# GENERAL RULES

AND

# CIRCULAR ORDERS

OF THE

# HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL

(APPELLATE SIDE, CIVIL).

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HIGH COURT,

APPELLATE JURISDICTION.

ALL Civil Circular Orders made and issued by the Sadar Díwání Adálat, or by the High Court, previous to the 1st February last, are hereby cancelled, and, in lieu thereof, the General Rules and Circular Orders contained in this volume are prescribed for observance by all Civil Courts subordinate to the High Court.

By Order of the High Court,

J. CRAWFURD,

*Registrar.*

FORT WILLIAM,

*The 1st March 1881.*

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# PREFACE.

THE following pages contain, in a codified form, all the Civil Rules and Orders of the High Court (including those of the late Sudder Court) which have not been specifically cancelled, or omitted by express order.

The procedure adopted by me, in making a collection of the extant Rules and Orders, has been as follows :—

I have gone carefully, and more than once, through the complete files, kindly lent me by the Registrar for the purpose, omitting only those orders which have been expressly cancelled, and making a collection of the remainder. This, with respect to the Rules and Orders of the (present) High Court.

The circulars of the late Sudder Court have been similarly collected from the editions of Messrs. Carrau and Ledlie, there being no complete chronological file of these obtainable.

I have further consulted the editions of Mr. (now Mr. Justice) Field, and of Mr. Geddes.

These collections of Rules and Orders, from 1799 up to date, were then submitted to Mr. Justice Maclean and Mr. Justice Field, under whose directions a considerable number were eliminated as being either obsolete or unnecessary. I have not (intentionally) omitted one single circular on my own authority.

The arrangement of the circulars into chapters and under the various headings has been made under the instructions of Mr. Justice Field. The more recent circulars, issued during the vacation and in Mr. Justice Field's absence from Calcutta, have been classified according to the Hon'ble Judge's scheme; and under the supervision of Mr. Justice Maclean.

As several instances occur in which the same subject is dealt with in different chapters, according to the nature of the orders issued, I have endeavoured to make the Alphabetical Index, as well as the Table of Contents, as copious as possible.

C. A. WILKINS.

CALCUTTA,
*The 1st February 1881.*

# TABLE OF CONTENTS.

## CIVIL.


RULE. PAGE.

CHAPTER I.—GENERAL RULES FOR REGULATING THE PRACTICE AND PROCEEDINGS OF SUBORDINATE COURTS . 1—19

*Civil Procedure Code—*

1. Verification of plaints, &c., Sections 51 and 52, C. C. P. . . 1
2. Summons to whom to be sent, Section 85, C. C. P. . . . 1
3. (*a*). List of documents produced by the parties, Section 140, C. C. P. . . . . 2
   (*b*). Proof of document tendered as exhibit, Sections 140, 142, C. C. P. . . . . 2
4. Instructions regarding adjournments, Sections 156 to 158, C. C. P. . . . . 2, 3
5. (*a*). Charge for administering oaths in affidavits, Sections 194 to 197, C. C. P. . . . . 3, 4
   (*b*). Fee for Special Commissioner, Sections 194 to 197, C C. P. . 4
   (*c*). Rules for the guidance of Officers administering oaths in affidavits, Sections 194 to 197, C. C. P. .. . . . . 4 7
   (*d*). Sheristadars appointed Commissioners to administer oaths, on affidavits, Sections 194 to 197, C. C. P. . . . 7
6. Further particulars to be supplied in all applications for attachment of lands, Sections 237, 238, C. C. P. . . . . 7
7. Rules for the guidance of Courts acting under Section 28, C. C. P. . . . . 8—13
8. (*a*) to (*d*). Amount of deposit to be made by decree-holder purchasing with the leave of the Court, Sections 294 and 306, C. C. P. . . . . 13, 14
   (*e*). Instructions regarding set-off and earnest-money . . 14
9. (*a*) to (*d*). Rules for the issue of commissions, Section 386, C. C. P 14, 16
   (*e*). List of High Court Pleaders to be submitted annually . 16
   (*f*) Certain commissions to whom to issue . . . . . 16
   (*g*). Commissions to Oudh to whom to be addressed . . . 17

RULE. PAGE.

*Civil Procedure Code*—continued.

(*h*). Commissions how to be executed . . . . . 17, 18

10. Rules for the preparation, &c., of appeals in Subordinate Appellate Courts, Chapter XLI, C. C. P. . . . . 18, 19

CHAPTER II.—FORMS FOR PROCEEDINGS IN SUBORDINATE COURTS . . . . . 20—33

1. (*a*). Return of service of summons, &c., on defendant in person, Section 75, C. C. P. . . . . 20

(*b*). Return of service of summons, &c., on Agent or Manager, Sections 75, 76, and 77, C. C. P. . . . . 21

(*c*). Return of service of summons, &c., on adult male member of family, Section 78, C. C. P. . . . . 22

(*d*). Return of service of summons, &c., when defendant refuses to accept service or cannot be found, Section 80, C. C. P. . 23

(*e*). Return of substituted service of summons, &c., Section 82, C. C. P. . . . . 24

2. Form of sale account, Sections 286 to 295, C. C. P. . . 24—26

3. Form of proclamation of sale, Section 287, C. C. P. . . 27, 28

4. Form of warrant for imprisonment in execution, Sections 341, 342, C C. P. . . . . 29, 30

5. Form of return of service on a Corporation or Company, Section 436, C. C. P. . . . . 30

*Act VIII (B. C.) of 1869*—

6. Form of notice of sale, Sections 59 and 60 . . . . . 31, 32

*Act VI of 1871*—

7. (*a*). Judicial Officers vested with the powers of a Small Cause Court Judge to use Summons Book and Register, Section 29 . 32, 33

(*b*). Destruction of records of S. C. C. cases, Section 29 . . 33

CHAPTER III.—FORMS FOR KEEPING BOOKS, ENTRIES AND ACCOUNTS TO BE KEPT BY OFFICERS OF SUBORDINATE COURTS . . . . . 34—204

*Account Rules (Judicial)* . . . . . 34—119

| | | | | |
|---|---|---|---|---|
| 1, 2. | General Rules. | | Application of the rules . . . . . | 34, 35 |
| 3. | Do. | | The "District Judge" . . . . . | 35 |
| 4. | Do. | | The "Judge in charge" . . . . . | 35 |
| 5, 6 | Do | | Heads of account . . . . . | 35, 36 |
| 7—17. | Do. | | General principles . . . . . | 37—39 |
| 18—20. | Receipt of money. | | Chalans required . . . . . | 39—41 |
| 21. | Do. | do. | Registry of chalans . . . . . | 41 |
| 22—24. | Do. | do. | Approval by the Judge in charge . . . | 41, 42 |
| 25, 26 | Do. | do. | Heads (*f*) and (*g*) . . . . . | 42, 43 |
| 27—31. | Do. | do. | Receipt of money by the cashier . . . | 43, 44 |

| Rule. | | | Page. |
|---|---|---|---|
| *Account Rules (Judicial)*—continued. | | | |
| 32. | Receipt of money. | Peremptory cash book | 44 |
| 33. | Do. do. | General cash book | 44 |
| 34. | Do. do. | Accountant's check of petty receipts | 44 |
| 35. | Do. do. | Daily balance | 45 |
| 36. | Payment of money. | Applications for payments of deposits | 45, 46 |
| 37, 38 | Do. do. | Audit of application | 46, 47 |
| 39. | Do. do. | Payment order and registry | 47 |
| 40, 41. | Do. do. | Approval by the Judge in charge | 47, 48 |
| 42. | Do. do. | Lapse of order | 48, 49 |
| 43. | Do. do. | Lapsed deposits | 49 |
| 44—46. | Do. do. | Miscellaneous refunds | 50, 51 |
| 47. | Do. do. | Payments by Cashier | 51 |
| 48. | Settlements in Court. | Simultaneous receipt and payment | 51, 52 |
| 49, 50. | Do. do. | Payment of compensation to plaintiffs | 52 |
| 51, 52. | Account-keeping and remittance to Treasury. | Courts near Treasuries | 52, 53 |
| 53. | Do. do. do. | Examination by Judge in charge | 53 |
| 54, 55. | Do. do. do. | Daily remittance | 53, 54 |
| 56. | Do. do. do. | Courts not near Treasuries | 54, 55 |
| 57. | Do. do. do. | Periodical remittance | 55 |
| 58. | Do. do. do. | Adjustment with Treasury | 55 |
| 59—61. | Do. do. do. | Rules regarding remittances | 55, 56 |
| 62, 63. | Do. do. do. | Treasury advice-list | 56, 57 |
| 64, 65. | Do. do. do. | Comparison by Judge | 57 |
| 66. | Deposit Registers. | Separation of petty deposits | 57, 58 |
| 67. | Do. do. | Posting | 58 |
| 68. | Do. do. | Registers of receipts | 58 |
| 69. | Do. do. | Notes of claims, &c. | 58, 59 |
| 70. | Do. do. | Registers of repayments | 59 |
| 71. | Do. do. | Closing for the month | 59 |
| 72. | Control over subordinate Courts. | Responsibility | 60 |
| 73, 74. | Do. do. do. | Daily Return of subordinate Courts | 60, 61 |
| 75. | Do. do. do. | Verification by Judge in charge | 61 |
| 76. | Do. do. do. | Examination by District Judge | 61, 62 |
| 77, 78. | Do. do. do. | Judge's Register of totals | 62 |
| 79. | Do. do. do. | Posting repayments of A deposits | 62, 63 |
| 80. | Do. do. do. | Monthly Return | 63, 64 |
| 81. | Do. do. do. | Plus and minus memorandum | 64 |
| 82. | Do. do. do. | Examination by District Judge | 64, 65 |
| 83, 84. | Do. do. do. | Posting receipts of A deposits | 65 |
| 85. | District Monthly Returns. | Returns of deposits received | 65, 66 |
| 86. | Do. do. do | Do. do. repaid | 66 |
| 87. | Do. do. do. | Plus and minus memorandum | 66, 67 |
| 88, 89. | Annual Account particulars. | Account particulars | 67, 68 |
| 90. | Do. do. do. | Return by Subordinate Courts | 68 |

| Rule. | | Page. |
|---|---|---|
| *Account Rules (Judicial)—concluded.* | | |
| 91. | Annual Account particulars. Return by District Judge | 68 |
| 92—94. | Do. do. do. Verification of petty deposit balance | 69 |
| 95. | Lapse of deposits | 69, 70 |
| 96. | Do. do. List of lapsed deposits | 70, 71 |
| 97. | Do. do. Correction of balance | 71 |
| 98, 99. | Do. do. Refund of lapsed deposits | 71, 72 |
| 100, 101. | Miscellanous Receipts. Fines | 72 |
| 102. | Do. do. Registers | 72, 73 |
| 103. | Do. do. Credits to Government | 73 |
| 104–107. | Do. do. Rules for miscellaneous receipts | 73, 74 |
| 108. | Do. do. Control of subordinate Courts | 74 |
| 109. | Do. do. Monthly Returns | 74 |
| 110. | Miscellaneous Rules. Accountant and Cashier | 74, 75 |
| 111. | Do. do. Language of record | 75 |
| 112. | Do. do. Forms | 75 |
| 113. | Do. do. Daily examination of accounts | 75 |
| | Forms 1 to 26 | 76—105 |
| | Appendix A. Lists of Registers and Returns | 106, 107 |
| | Do. B. Judge's daily and monthly examination of accounts | 107, 108 |
| | Do. C. Rules for fines | 108—119 |
| *Ameens—* | | |
| 114. | Daily Registers of receipts and disbursements on account of Ameens' fees | 119, 120 |
| *Intestates—* | | |
| 115. | Directions for dealing with property of intestates | 120 |
| *Reports (Annual)—* | | |
| 116 | Instructions regarding annual reports | 121, 122 |
| *Returns and Statements—* | | |
| 117. | General Instructions as to the preparation of Periodical Statements | 122—129 |
| 118. | List of forms of Periodical Statements | 130—132 |
| 119 | No statement to be discontinued without order | 132 |
| 120. | Monthly Statements. Instructions | 133, 134 |
| | Do. do. Monthly Statement A. | 135, 136 |
| | Do. do. Do. do. B. | 137, 138 |
| | Do. do. Do. do. C. | 139, 140 |
| | Do. do. Do. do. D. | 141 |
| | Do. do. Do. do. E. | 142, 143 |
| | Do. do. Do. do. F. | 144, |
| | Do. do. Do. Diary of Small Cause Courts | 146 |
| 121. | Quarterly Statements. Instructions regarding explanations of delay | 147 |
| | Do. do. Quarterly Statement A. | 148, 149 |
| | Do. do. Do. do. B. | 150, 151 |

RULE. PAGE.

*Returns and Statements*—concluded.

Quarterly Statement. Quarterly Statement C. . . . . 152
Do. do. Do. do. D. . . . . 153, 154
Do. do. Do. do. E. . . . . 155
Do. do. Do. do. of Commissions . . 156
Do. do. Do. do. of Grants of Probate, &c. 157
Do. do. Do. do. of Pauper Suits . 158, 159

122. Annual Statements. Instructions . . . . . 160
Do. do. Annual Statement 1 . . . . . 161—163
Do. do. Do. do. 2 . . . . . 164, 165
Do. do. Do. do. 3 . . . . . 166, 167
Do. do. Do. do. 4 . . . . . 168—171
Do. do. Do. do. 5 . . . . . 172—175
Do. do. Do. do. 6 . . . . . 176, 177
Do. do. Do. do. 7 . . . . . 178, 179
Do. do. Do. do. 8 . . . . . 180
Do. do. Comparative Table I . . . . . 181
Do. do. Do do. II . . . . . 182
Do. do. Table III . . . . . 183
Do. do. Do. IV . . . . . 184
Do. do Do. V . . . . . 185
Do. do. Comparative Table VI . . . . . 186
Do. do Do. do. VII . . . . . 187
Do. do. Do. do. VIII . . . . . 188
Do. do. Table IX . . . . . 189
Do. do. Comparative Table X . . . . . 190
Do. do. Table XI . . . . . 191
Do. do. Do. XII . . . . . 192
Do. do. Comparative Table XIII . . . . . 193
Do. do. Table XIV . . . . . 194
Do. do. Do. XV . . . . . 195
Do. do. Do. XVI . . . . . 196
Do. do. Do. XVII . . . . . 197
Do. do. Do. XVIII . . . . . 198
Do. do. Do. XIX . . . . . 199
Do. do. Annual Statement of tenures sold, &c. . 200

*Stamps*—

123. Return of duty and penalty levied on instruments not duly stamped . . . . . 200, 201

*Civil Procedure Code*—

124. General Register of Suits, Section 58 C. C. P. . . . . 202
125. Register of Attendance of Witnesses, Chapter XIV, C. C. P. . 202, 203
126. Quarterly Return of Oaths on Affidavits, Sections 194—197, C. C. P. 204

RULE. PAGE.

CHAPTER IV.—RULES MADE UNDER POWERS CONFERRED BY ACTS OTHER THAN THE 24 & 25 VIC., CAP. 104, AND THE CODE OF CIVIL PROCEDURE . 205—243

*Act XIX of 1841—*

1. Forms for use on the appointment of Curators . . . 205—207

*Act XL of 1858 –*

2 (*a*). Form of Application for Certificate, Section 3 . . . 207, 208

(*b*) Forms of Certificate, Sections 7, 10, and 11 . . . 208—210

(*c*) and (*d*) Accounts to be furnished by persons holding certificates under Sections 7 and 10 . . . . . 210, 211

*Act XXVII of 1860 –*

3. (*a*). Applications for Certificates to be verified and to contain certain particulars . . . . . 212

(*b*). Forms of Certificate . . . . . 212—214

*Act X of 1865—*

4. Rules for the custody, preservation, and inspection of Wills . 214—216

*Act XI of 1865 (Mofussil Small Cause Courts)—*

5. (*a*). Circuits of Judge of several Small Cause Courts, Section 14 216, 217

(*b*). Clerk can sign requisitions to other Courts, Section 44 . . 217

(*c*). Rules of practice for Courts of Small Causes, Section 46 . 217—221

Register of civil suits . . . . . 220

Summons Book . . . . . 221

*Act VIII (B.C.) of 1869—*

6. (*a*) to (*g*). Rules for the prompt trial of Rent Suits . . . . 222, 223

(*h*). Deposits of Rent payable in kind, Section 46 . . . . . 223

(*i*). Execution of Decrees in Rent Suits, Section 58 . . . . 223, 224

*Act VII of 1870 (Court Fees Act)—*

7. (*a*). Daily Register of Court-fees realised . . . . . 224

(*b*). Detailed Do. do. do. . . . . 225

8. Rules under clause i, Section 20 . . . . . 225—233

9. (*a*) to (*f*). Instructions and explanations supplementary to the preceding rules . . . . . 233—235

10. Rules under clause iii, Section 20 . . . . . 235

11. Do. Section 22 . . . . . 236, 23

12. Instructions as to the cancellation of Court Fee Stamps, Section 30 237—241

*Act XVIII of 1879—*

13. Rules under Section 6 . . . . . 241

14. Responsibility of Pleaders in accepting vakalutnamas . . . 241

15. Fees payable to Pleaders in certain Miscellaneous Cases . . 241, 242

16. Revenue Agents practising as Pleaders in Rent Suits . . . 242, 243

---

CHAPTER V.—CIRCULAR ORDERS OR GENERAL INSTRUCTIONS FOR THE GUIDANCE OF SUBORDINATE CIVIL COURTS . 244—322

*Civil Procedure Code—*

1. Communications from Small Cause Courts how to be submitted, Section 2 . . . . . 244

RULE. PAGE.

*Civil Procedure Code*—concluded.

2. Institution of suits; prompt Registration of Plaints, Sections 48 to 63 . . . 244
3. General directions as to the issue and service of Summons and Process, and proof thereof, Sections 64 to 94 . . . . 245—252
4. Time to be fixed for every act to be done in the course of proceedings, Sections 96 to 107 . . . . . 252
5. Procedure in the absence of parties, Sections 96 to 107 . . . 252, 253
6. Written Statements, Sections 110 to 116 . . . . . 253
7. Hearing of Suits and examination of Witnesses, Sections 179 to 193 253, 254
8. Instructions regarding the reception of affidavits, Sections 194 to 197 254, 255
9. Judgment when to be pronounced and signed, Section 202 . . . 255
10. Decree to be specific and clear, Sections 206 to 216 . . . . 255—257
11. Copies of decrees, &c., to be forwarded at the expense of decree-holders, Section 223 . . . . . 257
12. Court-fee payable in appeals from certain orders, Section 244 . . 258, 259
13. Fees chargeable on certain notices, Section 248 . . . . . 259
14. (*a*) to (*d*). Attachment of property, Sections 266 to 285 . . . 259—262
15. Sale of immoveable property, Sections 304 to 307 . . . . 262, 263
16. Resistance to execution. Applications how to be stamped, Sections 328 to 335 . . . . . 263
17. Arrest of Railway servants, Section 336 . . . . . 264
18. (*a*) to (*f*). Instructions as to the issue of commissions under Section 392 . . . . . 264—267
(*g*). Instructions for the guidance of Ameens in local enquiries, Sections 392 to 395 . . . . . 267, 268
19. Pauper suits, Sections 401 to 415 . . . . . 268
20. Suits by or against Government or Government Officers, Sections 416 to 429 . . . . . 268, 269
21. Decrees of the Civil and Revenue Courts of Cooch Behar, Section 434 269, 270
22. Appointment of Manager to revenue-paying land, Section 503 . . 270
23. Appellate Court how to issue notices, &c., Section 553 . . . 270
24. Appeals from Appellate decrees, Sections 584 to 587 . . . . 270, 271
25. Language of Civil Courts, Section 645 . . . . . 271—273

*Regulation XVII of 1806*—

26. (*a*). Formal proof of service of notice to be taken . . . . . 273
(*b*). Procedure in summary proceedings . . . . . 273

*Act XII of 1856 (Ameens)*—

27. (*a*) to (*c*). Books to be kept and reports to be submitted by Ameens 273—275
(*d*) & (*e*). Number of Ameens to be kept up in each district . . 275

*Act XXVII of 1860*—

28. (*a*). Copy of judgment in a certificate case . . . . . 275
(*b*) to (*d*). Provision against fraud . . . . . 275, 276

*Act VII of 1870 (Court-fees)*—

29. Genuineness of Court-fee stamps to be tested . . . . . 276, 277

RULE. PAGE.

*Act VI of 1871 (Civil Courts)—*

30. (*a*) & (*b*). Report of appointment of acting Munsif, Section 9 . 277
(*c*). Report when the Sheristadar is placed in charge . . . 277, 278
(*d*). Recommendation of Small Cause Court powers, Section 29 . 278
(*e*). Destruction of records of Small Cause Court cases . . . 278

*Act III of 1877 (Registration)—*

31. Procedure when a registered document is discredited . . . 278, 279

*Act I of 1879 (Stamps)—*

32. (*a*). Procedure when the genuineness of a stamp is doubted . . 279
(*b*) and (*c*). Fraudulent stamping of documents after execution . 279

*Act IX of 1879 (Wards)—*

33. Applications under Section 10 how to be dealt with . . . 279, 280

*Act XVIII of 1879 (Legal Practitioners)—*

34. Restriction as to practice, Sections 4 and 5 . . . . . 280
35. (*a*) to (*d*). Annual return of renewed certificates . . . 280—282
(*e*). Register of Practitioners enrolled, &c., Section 8 . . . 282
36. Miscellaneous instructions regarding Practitioners . . . 282—284

*Copies—*

37. Applications for information and for unauthenticated copies . 284—289
38. Instructions for dealing with applications for copies of documents . 290
39. Applications for copies of letters, &c, of the High Court . . . 290
40. Register of applications for copies . . . . . 290, 291
41. Charges for authenticated and unauthenticated copies . . 291—294

*Court-Houses—*

42. Applications for construction and repairs . . . . . 294

*Diary—*

43. (*a*) to (*h*). Diary to be kept by all Civil Courts . . . 294—296
(*i*). Hours of business . . . . . 296
(*j*). Petitions when to be taken and where . . . . . 296
(*k*). Trials not to proceed on Sundays or Holidays . . . . 296

*High Court—*

44. Vernacular papers not to be forwarded to the High Court . 296, 297

*Inspections—*

45. Instructions regarding the periodical inspection of Subordinate Courts . . . . . 297—299

*Intestate Property—*

46. Expense of conveying intestate property to the Sudder Station . 299, 300

*Libraries—*

47. Rules for the custody of books and the management of libraries . 300, 301

*Public Officers—*

48. (*a*). Complimentary addresses prohibited . . . . . 301
(*b*). Public Officers not to lend money to persons in their jurisdiction 301
(*c*). Imputation of prejudice on the ground of hospitality . . 302

*Records—*

49. Rules for the arrangement, &c., of records in suits, &c. . . 302—308
50. Do. do. destruction of records and papers . . . 308—313

RULE. PAGE.

*Records*—concluded.

51. Court-fee stamps to be mutilated . . . . . 313, 314
52. Rules for the periodical despatch of records by Subordinate Courts 314, 315
53. Records when to go out of the custody of Officers of the Court . 315, 316
54. (*a*) to (*f*). Instructions as to the distribution of postage charges on records . . . . . 316—318
(*g*). Postage of records to the High Court . . . . . 318

*Seals*—

55. Small seals how to be used . . . . . 318

*Small Cause Courts*—

56. Applications for copies how to be dealt with . . . . . 318
57. Destruction of Small Cause Court records . . . . . 318, 319
58. Processes in the Mofussil for Calcutta Small Cause Court . . 319
59. Application of Circular orders and other Rules to Small Cause Courts 319

*Subordinate Judicial Service*—

60. Candidates for the Subordinate Judicial Service . . . . 319, 320
61. Forms of address in official correspondence . . . . . 320
62. What offices Munsifs may hold . . . . . 320, 321
63. Vacation and privilege leave . . . . . 321
64. Transfer of charge . . . . . 321
65. Applications for promotion and transfer . . . . . 321, 322
66. Representations of personal services . . . . . 322
67. Punkah-pullers . . . . . 322
68. Applications for pension and gratuity . . . . . 322

# CHRONOLOGICAL INDEX

TO THE

# RULES AND ORDERS

QUOTED WITHIN

## (CIVIL).

| Whether C.O., C.M., or G.L. | Year. | No. | Date. | Subject-matter. | Chapter. | Page. |
|---|---|---|---|---|---|---|
| C. O. | 1834 | 105 | 17th Jan. . | Regulation XVII of 1806 . | V | 273 |
| " | 1838 | 9 | 6th July . | Subordinate Judicial Service | V | 320 |
| " | 1839 | 49 | 20th Sep. . | Records . . . . | V | 314, 315 |
| " | 1840 | 73 | 6th Mar. . | Subordinate Judicial Service | V | 322 |
| " | 1842 | 186 | 11th Feb. . | Act XIX of 1841, Curators. | IV | 205 – 207 |
| " | " | 229 | 28th Sept. . | Legal Practitioners . . | V | 283 |
| " | 1843 | 34 | 15th " . | Do. do. . . . | V | 282, 283 |
| " | 1844 | 47 | 19th April . | Copies . . . . | V | 290 |
| " | " | 69 | 25th Oct. . | Public Officers . . . | V | 301 |
| " | 1845 | 76 | 17th Jan. . | Records . . . . | V | 314, 315 |
| " | " | 79 | 3rd Feb. . | Orders "ex-parte" . . | V | 252 |
| " | 1851 | 128 | 16th May . | Intestate Property . . | V | 299, 300 |
| " | " | 148 | 29th Sep. . | Complimentary Addresses . | V | 301 |
| " | 1855 | 67 | 6th July . | Libraries . . . . | V | 301 |
| " | " | 20 | 26th " . | Do. . . . . | V | 300 |
| " | 1856 | 3 | 25th Jan. . | Do. . . . . | V | 301 |
| " | 1857 | 101 | 30th June . | Sales, Cantonments . . | V | 263 |
| " | " | 105 | 6th Nov. . | Ameens . . . . | V | 274, 275 |
| " | 1858 | 114 | 12th Mar. . | Do. . . . . | V | 275 |
| " | 1859 | 150 | 31st Aug. . | Act XL of 1858 . . . | IV | 208 – 210 |
| " | 1863 | 15 | 22nd April . | Legal Practitioners . . | V | 283 |
| C. M. | " | 33 | 25th Nov. . | Subordinate Judicial Service | V | 322 |
| C. O. | 1864 | 10 | 26th April . | Appeals to High Court . | V | 270, 271 |
| " | " | 13 | 10th May . | High Court . . . | V | 296, 297 |
| " | " | 14 | 12th " . | Written Statements . . | V | 253 |
| " | " | 15 | 14th " . | Inspections . . . | V | 297—299 |
| " | " | 16 | 3rd June . | Language of Civil Courts . | V | 271, 272 |
| " | " | 25 | 17th Aug. . | Subordinate Judicial Service | V | 321 |
| " | " | 27 | 6th Sep. . | Small Cause Courts . . | IV | 217 |
| " | " | 31 | 3rd Oct. . | Judgment . . . . | V | 255 |
| " | 1865 | 6 | 6th April . | Subordinate Judicial Service | V | 322 |
| " | " | 10 | 19th May . | Registration of Plaints . | V | 244 |
| " | " | 20 | 4th Sep. . | Copies of Decrees, &c. . . | V | 257 |
| " | " | 23 | 14th " . | Appellate Courts . . . | V | 270 |
| " | " | 25 | 15th " . | Act XL of 1858 . . . | IV | 210, 211 |
| " | 1866 | 19 | 16th May . | Act XL of 1858 . . . | IV | 210, 211 |
| | " | 40 | 2nd Oct. . | Small Cause Court Records . | V | 318, 319 |
| " | " | 42 | 2nd " . | Munsif's Punkahs . . | V | 322 |
| " | 1867 | 2 | 14th Jan. . | Appeals to High Court . | V | 271 |
| " | " | 5 | 4th Feb. . | Appeals to High Court . | V | 271 |

| Whether C.O., C.M., or G.L. | Year. | No. | Date. | Subject-matter. | Chapter. | Page. |
|---|---|---|---|---|---|---|
| C. O. | 1867 | 22 | 19th July . | Decree . . . . | V | 255—257 |
| „ | „ | 32 | 28th „ . | Act X of 1865, Statements . | III | 157 |
| C. M. | „ | 34 | 3rd Dec. . | Ditto. Wills . | IV | 214—216 |
| C. O. | 1868 | 4 | 8th „ . | Suits, aliens and Foreign States. | V | 257,258 |
| „ | 1869 | 4 | 15th Mar. . | Language of Courts . . | V | 272 |
| „ | „ | 8 | 26th July . | Subordinate Judicial Service | V | 322 |
| „ | 1870 | 2 | 14th Feb. . | Diary, Civil Courts . . | V | 294—296 |
| „ | „ | 5 | 22nd „ . | Verifications of Plaints . | I | 1 |
| „ | „ | 9 | 12th May . | Attachment, Manager . | V | 270 |
| „ | „ | 17 | 23rd June . | Act XXVII of 1860 . | V | 275 |
| „ | „ | 18 | 23rd „ . | Copies . . . . | V | 284—289 |
| „ | „ | 19 | 29th July . | Appeals to High Court or Privy Council. | V | 271 |
| „ | „ | 23 | 5th Aug. . | Summons on Police . . | V | 251 |
| „ | „ | 24 | 23rd „ . | Processes, Calcutta S. C. C. | V | 319 |
| „ | „ | 25 | 25th „ . | Ameens . . . . | V | 264—267, 274 |
| „ | „ | 28 | 8th Sep. . | Do. . . . . | V | 267, 275 |
| „ | „ | 30 | 19th „ . | Copies . . . . | V | 284 |
| „ | „ | 33 | 23rd Nov. . | Records . . . . | V | 318 |
| „ | 1871 | 2 | 10th Jan. . | Attachment . . . | V | 262 |
| Letter | „ | 372 | 4th Feb. . | Act VIII (B. C.) of 1869 | IV | 222, 223 |
| C. O. | „ | 9 | 6th April . | Service of Process . . | V | 245—249, 282, 283 |
| „ | „ | 17 | 23rd May . | Subordinate Appellate Court | I | 18, 19 |
| „ | „ | 22 | 18th July . | Copies . . . . | V | 284, 318 |
| „ | „ | 23 | 25th „ . | Government Pleader . . | V | 268, 269 |
| C. M. | „ | 4 | 5th Aug. . | Act VI of 1871 . . . | V | 277, 278 |
| C. O. | „ | 24 | 12th „ . | Do. do. . . . | V | 278 |
| C. M. | „ | 6 | 25th Sep. . | Diary, S. C. Courts . . | V | 294 |
| C. O. | „ | 27 | 4th Oct. . | Sherishtadars . . . | V | 295 |
| „ | 1872 | 3 | 26th Jan. . | Small Cause Courts . . | IV | 218 |
| „ | „ | 6 | 10th Feb. . | Service of Process . . . | V | 247 |
| „ | „ | 7 | 20th „ . | Commissions . . . | I | 16 |
| „ | „ | 8 | 6th Mar. . | Language of Courts . . | V | 272 |
| „ | „ | 10 | 28th „ . | Records . . . . | V | 316—318 |
| „ | „ | 12 | 8th April . | Ameens, Statements . . | III | 127 |
| „ | „ | 17 | 14th May . | Summons . . . . | I<br>V | 1<br>251, 252 |
| „ | „ | 21 | 26th June . | Act XI of 1865, S. C. C. . | IV | 216, 217 |
| „ | 1873 | 2 | 16th Jan. . | Court-fees . . . . | V | 276, 277 |
| „ | „ | 5 | 27th „ . | Imprisonment in Execution | II | 29, 30 |
| „ | „ | 9 | 29th May . | Inspections . . . | V | 298 |
| „ | „ | 11 | 31st „ . | Hours of Business . . | V | 296 |
| „ | „ | 11 | 18th June . | Small Cause Courts . . | V | 319 |
| C. M. | „ | 13 | 21st July . | Act VI of 1871 . . . | V | 277 |
| C. O. | „ | 16 | 30th „ . | Records . . . . | V | 314, 315 |
| C. M. | „ | 16 | 16th Sep. . | Act VI of 1871 . . . | V | 277 |
| „ | „ | 21 | 13th Dec. . | Legal Practitioners . . | V | 283, 284 |
| „ | 1874 | 3 | 13th Feb. . | Munsifs' Titles . . . | V | 320 |
| „ | „ | 4 | 14th „ . | Act VII of 1870, Section 30 | IV | 237 |
| C. O. | „ | 5 | 24th „ . | do. do. | IV | 237 |
| „ | „ | 7 | 4th Mar. . | Records . . . . | V | 315 |
| „ | „ | 8 | 7th „ . | Regulation XVII of 1806 . | V | 273 |
| „ | „ | 11 | 14th „ . | Ameens, Registers . . | III | 119, 120 |
| „ | „ | 13 | 12th May . | Refund of Court fees . . | III | 91 |

| Whether C. O., C. M., or G. L | Year. | No | Date | Subject-matter. | Chapter | Page. |
|---|---|---|---|---|---|---|
| C. O. | 1874 | 17 | 23rd June | Legal Practitioners | V | 281 |
| " | " | 18 | 10th July | Act VIII (B. C.) of 1869 | IV | 223, 224 |
| C. M. | 1875 | 2 | 28th Jan. | Amcens, Statements | III | 197 |
| C. O. | " | 1 | 30th " | Amcens | V | 267, 268 |
| " | " | 2 | 30th " | Orders "ex-parte" | V | 252, 253 |
| C. M. | " | 4 | 5th Mar. | Act VIII (B. C.) of 1869 | IV | 223 |
| C. O. | " | 6 | 2nd June | Copies | V | 290 |
| " | " | 8 | 9th " | Do. | V | 292 |
| " | " | 7 | 12th June | Act VI of 1871 | II<br>V | 32, 33<br>278 |
| " | " | 7A | 25th " | Legal Practitioners | V | 281, 282 |
| G. L. | " | 1 | 27th Aug. | Subordinate Judicial Service | V | 319, 320 |
| C. O. | " | 11 | 10th Sep. | Munsifs | V | 320 |
| " | " | 15 | 16th Dec. | Records | V | 315, 316 |
| " | 1876 | 2 | 28th Jan. | Act XL of 1858 | IV | 207, 208 |
| " | " | 3 | 8th Feb | Attachment | V | 262 |
| " | " | 4 | 13th Mar. | Issue of Process | V | 250 |
| " | " | 5 | 25th " | Act I of 1879, Stamps | V | 279 |
| " | " | 6 | 24th April | Court houses | V | 294 |
| " | " | 8 | 12th May | Seals | V | 318 |
| G. L. | " | 8 | 27th " | Act XXVII of 1860 | V | 275, 276 |
| C. O. | " | 11 | 5th June | Commissions | I | 17 |
| G. L. | " | 14 | 4th Sep. | Pleaders' Fees | IV | 244 |
| C. O. | " | 14 | 11th " | Adjournments | I | 2, 3 |
| " | " | 15 | 16th " | Records | V | 314 |
| G. L. | " | 16 | 18th " | Act VII of 1870, Section 30 | IV | 210 |
| C. O | " | 16 | 4th Dec. | Stamp Penalties | III | 200, 201 |
| G. L. | 1877 | 2 | 29th Jan. | Munsifs | V | 320, 321 |
| C. O. | " | 3 | 6th Feb. | Sale-certificate | V | 262 |
| " | " | 4 | 10th " | Petitions | V | 296 |
| " | " | 5 | 3rd Mar | Act XXVII of 1860 | IV | 212—214 |
| " | " | 5 | 9th " | Statements | III | 132 |
| " | " | 7 | 7th April | Prejudice | V | 302 |
| " | " | 8 | 7th " | Issue of Process | V | 250, 251 |
| " | " | 10 | 12th May | Payment into Court | III | 40 |
| " | " | 11 | 7th June | Form of Sale Account | II | 24—26 |
| G. L. | " | 12 | 11th " | Court-fees, refund | IV | 234, 235 |
| C. O. | " | 12 | 30th " | Legal Practitioners | V | 280, 281 |
| " | " | 13 | 18th July | Records | V | 302—308 |
| " | " | 14 | 19th " | Do. | V | 308—313 |
| " | " | 17 | 6th Aug. | Government Pleaders | V | 269 |
| " | " | 18 | 10th Sep. | General Register of Suits | III | 202 |
| G. L. | " | 16 | 18th " | Records | V | 302 |
| C. O. | " | 22 | 14th Dec. | Act VI of 1871 | V | 277 |
| " | " | 23 | 22nd " | Court-fees | IV | 224 |
| G. L. | 1878 | 2 | 30th Jan. | Legal Practitioners | V | 281 |
| C. O. | " | 1 | 1st Feb. | Records | V | 303, 311 |
| " | " | 4 | 16th " | Pauper-Suits | III<br>V | 158<br>268 |
| " | " | 5 | 20th " | Records | V | 308 |
| " | " | 6 | 20th " | Do. | V | 308, 311 |
| " | " | 11 | 6th Mar. | Intestate Property | III | 120 |
| " | " | 12 | 9th " | Small Cause Courts | V | 244 |
| " | " | 13 | 15th " | Rules under Act VII of 1870 | IV | 226—233 |
| " | " | 14 | 16th " | Revenue Agents | IV | 242 |
| " | " | 15 | 25th " | Service of Processes | II | 20—24, 30 |
| " | " | 16 | 30th " | Inspections | V | 299 |

| Whether C O, C.M., or G. L. | Year. | No. | Date. | Subject-matter. | Chapter | Page. |
|---|---|---|---|---|---|---|
| C. O. | 1878 | 18 | 4th May . | Service of Process . . | V | 249 |
| " | " | 21 | 1st June . | Court-fees . . . . | IV | 224 |
| " | " | 22 | 8th " . | Do. . . . . | IV | 233 |
| " | " | 23 | 15th " . | Railway Servants, Arrest . | V | 264 |
| " | " | 24 | 24th " . | Summons on Military . . | V | 251 |
| " | " | 25 | 1st July . | Process-fees . . . | IV | 234 |
| " | " | 29 | 6th Aug. . | Service of Process . . | V | 249, 250 |
| " | " | 30 | 19th " . | Revenue Agents' Fees . | IV | 243 |
| " | " | 31 | 19th Sep. . | Processes, S. C. C., Calcutta | V | 319 |
| " | " | 32 | 20th " . | Affidavits . . . . | I<br>III | 3, 4<br>204 |
| " | " | 33 | 1st Nov. . | Subordinate Judicial Service | V | 321 |
| " | " | 34 | 7th " . | Affidavits . . . . | I | 4 |
| " | " | 35 | 30th " . | Hearing of Suits . . | V | 253, 254 |
| " | " | 36 | 30th " . | Libraries . . . . | V | 300 |
| " | 1879 | 6 | 6th Feb. . | Subordinate Judicial Service | V | 321 |
| G. L. | " | 1 | 17th " . | Affidavits, Return . . | III | 204 |
| C. O. | " | 10 | 27th Mar. . | Attachment of Land . . | I | 7 |
| Rules | " | ... | 2nd April . | Act VII of 1870, Section 22 | IV | 236, 237 |
| " | " | 14 | 7th " . | Witnesses, Registers . | III | 202, 203 |
| " | " | 17 | 19th " . | Decrees, Cooch Behar . | V | 269, 270 |
| " | " | 18 | 26th " . | Process-fees . . . | IV | 234 |
| " | " | 19 | 28th " . | Attachment . . . | V | 259—262 |
| " | " | 20 | 30th " . | Records . . . . | V | 316 |
| " | " | 21 | 30th " . | Special Commissioners . | I | 4 |
| " | " | 22 | 28th May . | Copies . . . . | V | 285 |
| " | " | 24 | 14th June . | Records . . . . | V | 307 |
| " | " | 25 | 16th " . | Court fees . . . . | IV | 225 |
| " | " | 26 | 21st " . | Pleaders . . . . | IV | 241 |
| " | " | 27 | 12th July . | Commissions, Court-fees . | IV | 234 |
| " | " | 28 | 19th " . | Proof of Documents . . | I | 2 |
| " | " | 29 | 21st Aug. . | Reports, Returns, and Statements. | III | 121—200 |
| " | " | 30 | 23rd " . | Copies . . . . | V | 290, 292 |
| " | " | 33 | 18th " . | Sale and Delivery . . | I | 13, 14 |
| " | " | 37 | 10th Dec. . | Act III of 1877 . . . | V | 279 |
| " | " | 38 | 15th " . | Legal Practitioners . . | V | 280 |
| " | " | 39 | 22nd " . | Commissions . . . | I | 4 |
| " | " | 40 | 22nd " . | Process fees . . . | IV | 233 |
| C. O. | 1880 | 1 | 5th Jan . | Affidavits . . . . | I | 7 |
| G. L. | " | 2 | 5th " . | Affidavits . . . . | I | 7 |
| C. O. | " | 2 | 6th " . | Rules under Act VII of 1870 | IV | 226—233 |
| " | " | 3 | 7th " . | Statements . . . . | III | 127, 128<br>131, 150<br>168, 170,<br>171, 178 |
| " | " | 5 | 10th " . | Practice . . . . | V | 296 |
| " | " | 6 | 10th " . | Court-fees, Appeals . . | V | 258 259 |
| " | " | 8 | 14th " . | Act I of 1879 . . . | V | 279 |
| " | " | 9 | 17th " . | Act IX of 1879, Wards . | V | 279, 280 |
| G. L. | " | 4 | 29th " . | Legal Practitioners . . | V | 281 |
| Rules | " | ... | 11th & 14th Feb. | Affidavits . . . . | I | 4—7 |
| C. O. | " | 11 | 12th Feb. . | Commissions, Pleaders . | I | 16 |
| " | " | 7 | 21st " . | Act XXVII of 1860 . . | I | 212 |
| " | " | 12 | 21st " . | Sale Certificate . . . | V | 262, 263 |
| " | " | 14 | 10th Mar. . | Court-fees . . . . | V | 259, 263 |

| Whether C.O., C.M. or G. L. | Year. | No. | Date. | Subject-matter. | Chapter. | Page. |
|---|---|---|---|---|---|---|
| G. L. | 1880 | 5 | 21st April . | Act VII of 1870, Section 30 | IV | 240, 241 |
| C. O. | " | 18 | 26th " . | Records . . . . | V | 314, 315 |
| " | " | 19 | 28th " . | Act VII of 1870, Section 30 | IV | 238—240 |
| " | " | 20 | 28th " . | Statements . . . | III | 127, 128 |
| " | " | 21 | 14th May . | Official Language . . | V | 273 |
| " | " | 23 | 3rd June . | Records . . . . | V | 316 - 318 |
| G. L. | " | 9 | 10th July . | Mukhtars . . . . | V | 283 |
| C. O. | " | 26 | 15th " . | Official Language . . | V | 273 |
| " | " | 27 | 23rd " . | Subordinate Judicial Service | V | 322 |
| " | " | 29 | 12th Aug. . | Small Cause Courts . . . | IV | 218, 220, 221 |
| " | " | 30 | 26th " . | Act VII of 1870, Section 30 | IV | 240 |
| " | " | 31 | 30th " . | Sales . . . . . | I<br>II | 8—13<br>31, 32 |
| " | " | 32 | 10th Sep. . | Affidavits . . . . | V | 254, 255 |
| " | " | 33 | 10th Sep. . | Commissions . . . | I | 17, 18 |
| " | " | 34 | 11th " . | Service of Process . . | V | 249 |
| Notification. | " | ... | 16th " . | Appeals . . . . | I | 19 |
| G. L. | " | 14 | 30th " . | Act I of 1879 . . . | V | 279 |
| C. O. | " | 35 | 1st Oct. . | Copies . . . . | V | 291—294 |
| Account Rules. | " | ... | ..... | Accounts . . . . | III | 34—119 |
| C. O. | " | 37 | 17th Nov. . | Act VII of 1870, Section 20, Cl. 3. | IV | 235 |
| " | " | 38 | 23rd " . | Small Cause Courts . . | V | 319 |
| " | " | 40 | 10th Dec. . | Legal Practitioners . . | V | 282 |
| G. L. | " | 16 | 14th " . | Do. Do. . . | V | 281 |
| C. C. | 1881 | 1 | 18th Jan. . | Annual Reports. . . | III | 122 |
| " | | 2 | 20th " . | Filing of Documents . . | I | |

BENGAL SECRETARIAT LIBRARY.

# PART I.

GENERAL RULES MADE UNDER THE POWERS CONFERRED BY THE 24 AND 25 VICT., CAP 104, SECTION 15, AND BY THE CODE OF CIVIL PROCEDURE, SECTIONS 140, 262, 287, 532, 575, 641, 647, AND 652.

## CHAPTER I.

RULES FOR REGULATING THE PRACTICE AND PROCEEDINGS OF THE CIVIL COURTS SUBJECT TO THE APPELLATE JURISDICTION OF THE HIGH COURT.

1. [*Sections 51 and 52, C. C. P.—Verification of plaints, &c., to show date and place of signature—C. O. No. 5 of 22nd February 1870.*]—All verifications,[1] whether of plaints, written statements or applications requiring verification, presented in any Civil Court subordinate to the High Court, shall contain a true specification of the *date* and *place* at which they are signed.

[1] *Vide* Sections 51, 52, 115, 178, 346, and 435 of Act X of 1877.

2. [*Section 85, C. C. P.—Summons to whom to be sent—C. O. No. 17 of 14th May 1872.*]—A summons issued under section 85 of the Civil Procedure Code shall ordinarily be sent, not to the Judge of the district where it has to be served, but to the Court "by which it can be conveniently served," *i. e.*, to the Munsif within whose jurisdiction the defendant or the witness (as the case may be) resides.

**3.** [*Sections 140 and 142, C. C. P.*]—(*a*) [*List of documents produced by the parties—C. O. No. 2, of 20th January 1881.*]—The following form has been prescribed for use under section 140 of the Code of Civil Procedure.

DISTRICT

*In the Court of* *at*

SUIT NO. OF

The following is a list of the papers produced by the

in the above suit at the first hearing on the 18 :—

| Number or distinguishing mark on the document. | Nature of the document, whether original or copy, its date, and by whom executed, &c. | REMARKS. |
|---|---|---|
| | | |

(*b*) [*Proof of document tendered as exhibit—C. O. No. 28 of 19th July 1879.*]—Whenever, in order to establish the execution or writing of any document tendered as an exhibit in a suit, evidence is given thereof, which, if unrebutted, is legally sufficient for the purpose, the document shall be taken, for the purpose of being endorsed and filed as part of the record, as proved within the meaning of section 142 of the Civil Procedure Code, subject, however, to the provisions of sections 140 and 142 of the same Code.

**4.** [*Sections 156 to 158, C. C. P.—Instructions regarding Adjournments—C. O. No. 14 of 11th September 1876.*]—(*a*) In every case adjourned without hearing in consequence of the Court being unable to finish the cause list for the day, there shall be recorded as part of the order of adjournment a specific order to the witnesses to attend on the day to which the case stands

adjourned. This order should be to the following effect: "Whereas, &c., it is ordered that the hearing of this suit be adjourned to the , on which day the witnesses mentioned in the Nazir's return[1] of this date as in attendance on the Court, *viz.*, (No. ) for the plaintiff, and (No. ) for defendant No. 1 and (No. ) for defendant No. 2 (and so on), are required to be in attendance."

(*b*) When there are no witnesses in attendance, the order after the date to which the hearing is adjourned may run: "The Nazir having returned that no witnesses are in attendance this day, the parties are required to take notice thereof."

(*c*) When an adjournment is ordered, a future day ought not to be fixed at random as a matter of form. The circumstances of each case, as, for example, the distance witnesses have to travel, and sometimes the season of the year, as well as the state of the files, should be considered. It may well be that in some instances it is a less hardship to detain witnesses from day to day than to discharge them, requiring them to return after a considerable interval.

5. [*Sections 194 to 197, C. C. P.—Charge for Affidavits—C. O. No. 32 of 20th September 1878.*]—(*a*) The following charge for affidavits shall be made in all Civil Courts subject to the Appellate Jurisdiction of the High Court, *viz.*:—

For administering the oath of the declarant in the case of any affidavit under the Code of Civil Procedure (Act X of 1877), except—

(*a*) Affidavits made by process-servers regarding the manner of service of processes;

(*b*) Affidavits made by any public officer in virtue of his office, one rupee.

[1] See Chapter III Rule 125, pages 202, 203.

The above fee shall be paid by means of a Court-fee Stamp of not less value than the amount above prescribed, and will therefore be credited to Government. These fees should be shown separately in the daily register of Court-fees realized,[1] in order that it may be ascertained whether the receipts in any district are sufficient to justify the appointment of a special officer to administer oaths on affidavits.

NOTE.—It is not intended to impose a fee in respect of affidavits sworn by order of Court for the proof of service of process, and no charge should therefore be made against persons who accompany process peons for the purpose of identifying parties.—(*C. O. No 34 of 7th November 1878.*)

(*b*) [*Fee for Special Commissioner—C. O. No. 21 of 30th April 1879.*]—A fee of five rupees payable in Court-fee Stamps shall be levied in respect of each oath administered on an affidavit by a Special Commissioner deputed for the purpose by the District Judge under the powers vested in him by the Local Government in this behalf. Payment of this fee will be accepted in such cases in lieu of the fee of one rupee imposed by Rule 5 (*a*) above, but will not be held to include the travelling expenses of the Commissioner, which must be paid in addition in cash.[2]

(*c*) [*Rules for the guidance of officers administering oaths to declarants in the case of affidavits under the Code of Civil Procedure.*[3]]

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[1] *Vide* Chapter IV, Rule 7 (*a*).

[2] The Civil Court Ameen should ordinarily be deputed for the purpose of executing the Commissions referred to in Rule 5 (*b*). The fee of Rs. 5 levied in respect of the oath to be administered by him is payable in Court-fee stamps to the credit of Government. In most cases this will be a sufficient return for his services; but if, in any particular instance, it appears to the District Judge that the service is likely to detain the Ameen more than a single day, then the fee prescribed in Clause *b*, Article 3, Parts II, III and IV, Rule I of the Rules framed under Clause 1, Section 20 of the Court Fees Act VII of 1870,* is to be levied for every such additional day. —(*C. O. No. 39 of 22nd December 1879.*)

*Vide Chapter V, Rule 8.

[3] Published in the Calcutta and Assam Gazettes of the 11th and 14th February 1880, respectively.

(1) Every affidavit to be used in a Court of Justice shall be entitled "In the Court of at " naming such Court.

(2) If there be a cause in Court, the affidavit in support of, or in opposition to, an application respecting it must also be entitled in the cause.

(3) If there be no cause in Court, the affidavit shall be entitled " In the matter of the petition of "

(4) Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively and, as nearly as may be, shall be confined to a distinct portion of the subject.

(5) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such a manner as will serve to identify him clearly,—that is to say, by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.

(6) When the declarant in any affidavit speaks to any fact within his own knowledge, he must do so directly and positively, using the words " I affirm " (or " make oath ") " and *say*."

(7) When the particular fact is not within the declarant's own knowledge, but is stated from information obtained from others, the declarant must use the expression " I am informed," (and, if such be the case, should add,) " and verily believe it to be true," or he may state the source from which he received such information. When the statement rests on facts disclosed in documents, or copies of documents procured from any Court of Justice or other source, the deponent shall state what is the source from which they were procured, and his information, or belief, as to the truth of the facts disclosed in such documents.

(8) Every person making an affidavit, if not personally known to the Commissioner, shall be identified to the Commissioner by some person known to him, and the Commissioner shall specify at the foot of the petition, or of the affidavit (as the case may be), the name and description of him by whom the identification is made, as well as the time and place of the identification, and of the making of the affidavit.

(9) If any person making an affidavit shall be ignorant of the language in which it is written, or shall appear to the Commissioner to be illiterate, or not fully to understand the contents of the affidavit, the Commissioner shall cause the affidavit to be read and explained to him in a language which both he and the Commissioner understand, either doing so himself, or causing another person to do so in his presence. When any affidavit is read and explained as herein provided, the Commissioner shall certify in writing at the foot of the affidavit that it has been so read or explained, and that the declarant seemed perfectly to understand the same at the time of making the affidavit.

(10) In administering oaths and affirmations to declarants the Commissioner shall be guided by the provisions of "The Oaths Act," X of 1873. The provisions of Rule 5 of Chapter V of the Code of Criminal Rules and Orders apply, *mutatis mutandis*, to affidavits under the present rules, and the following forms are to be used :—

OATH.

I swear that this my declaration is true, that it conceals nothing, and that no part of it is false, so help me God.

AFFIRMATION.

I solemnly declare that this my declaration is true, that it conceals nothing, and that no part of it is false.

(*d*) [*Sarrishtadars appointed Commissioners to administer oaths on affidavits—C. O. No. 1 of 5th January 1880—G. L. No. 2 of 5th January 1880.*]—In order to relieve judicial officers of a share of the work devolving on them, the Sarrishtahdars of Judges' Courts have been appointed Commissioners for the purpose of administering oaths on affidavits in Civil Courts. In case of any change of incumbency, the name of the new officer should be reported, in order that a commission may be issued to him. In the discharge of their duties as Commissioners, Sarrishtahdars will be guided by the foregoing rules.

6. [*Sections 237 and 238, C. C. P.—Further particulars to be inserted in applications for the attachment of revenue-paying and revenue-free lands—C. O. No. 10 of 27th March 1879.*]

(*a*) When the application is for the attachment of any revenue-free lands, or of any share in such lands, then, in addition to the particulars required by section 237 of the Act, the area of the whole revenue-free tenure shall be stated in the application in every case in which this information has been recorded in the Collector's register.

(*b*) When an application is made to a Civil Court for the attachment of an estate, or share of an estate, borne on the revenue roll of a district, the annual amount of revenue for which the whole estate is liable shall be stated in addition to the particulars required by section 238 of the Act to be specified in the authenticated extract from the register of the Collector's Office.

7. [*Section 287, C. C. P.—Rules for the guidance of the Courts in the exercise of their duties under Section 287 of the Code of Civil Procedure—C. O. No. 31 of 30th August 1880.*]—(*a*) Whenever a Court shall, in the execution of a decree, make an order for the sale of any property under section 284 of the Code, it shall at the same time fix a date, not later than ten days after the date of such order, for settling the proclamation of sale. Notice of the date so fixed shall be given to the party or parties applying for the order of sale, and also to the judgment-debtor or judgment-debtors, or his or their respective Vakils.

(*b*) When immovable property is under attachment in execution of a decree, the party, or one of the parties, applying for the order of sale, shall, before he makes his application, cause search to be made in the office or offices of the Registrar or Sub-Registrars of Deeds, within whose circle or circles the property is situate, with a view to ascertain whether such property is subject to any, and, if so, what encumbrances. He shall further procure an extract from the register kept by the Collector under "The Land Registration Act," VII (B. C.) of 1876, in any case in which the immovable property to be sold is the property of a proprietor as defined by such Act.

(*c*) Every application for an order for the sale of property in execution, whether movable or immovable, shall be supported by an affidavit to be made by the applicant or by some other person acquainted with the facts of the case, and to be verified in the manner prescribed by the Code for the verification of plaints, which affidavit shall state everything known or believed by the deponent to exist, which relates to the nature or affects the value of the property to be sold; and, if the

deponent has no knowledge or belief on either of these matters, he shall in his affidavit set forth that, after making due enquiry into the matter, he has no knowledge or belief respecting the existence of either of such matters. Furthermore, whenever the application is for the sale of immovable property, the deponent shall state the result of the search hereinbefore directed to be made in the Registrar's office or offices, and shall also, if the property is a revenue-paying or rent-paying estate, set forth the revenue or rent payable in respect of such property; and if the immovable property belongs to a proprietor within the meaning of "The Land Registration Act," VII (B. C.) of 1876, he shall also append to his affidavit the extract from the Collector's register, which by the preceding rule he is directed to procure.

(*d*) The Court may, if for good reason dissatisfied with the affidavit of any deponent made under Rule 7 (*c*), require from such deponent a further affidavit respecting the matters as to which he is by such rule required to make an affidavit; and, if the deponent is other than the party at whose instance the application for an order of sale is made, the Court may also for good reason require such last-mentioned party himself to make an affidavit respecting any of such matters.

(*e*) On the day fixed for the settling of the proclamation, the Court shall enquire into the matters necessary to be specified therein, and shall, after reading the affidavit or affidavits and examining any witnesses whom it may have thought necessary to summon, or whom, being present without being summoned, it may have thought necessary to examine, and, after considering any document which it may have required to be produced, settle the proclamation of sale, specifying,

as fairly and accurately as possible, the matters required by section 287 of the Code to be specified; and the proclamation when so settled shall be signed by the Judicial Officer settling the same.

(*f*) If, when the proclamation is being settled, any of the parties to the suit in which the decree was passed is present, he shall be at liberty to put any relevant questions to any witness who may be examined by the Court, whether such witness be a party to the suit or not, and may also cross-examine such witness if such witness gives evidence hostile to the interests of the examining party.

(*g*) Every person examined by the Court shall be sworn or affirmed, and a short note or memorandum of his evidence shall be taken down by the Court.

(*h*) The Court may, for good reason, from time to time adjourn the settling of the proclamation: provided that no such adjournment shall be for more than a week and that the total period of such adjournments shall not exceed four weeks.

(*i*) The costs of the searches, affidavits, and proceedings upon the settlement as aforesaid of the proclamation of sale shall be paid, in the first instance, by the judgment-creditor or creditors; but he or they, as the case may be, shall be at liberty to recover them as part of the costs of execution, unless the Court, for reasons to be specified in writing, shall consider that the judgment creditor or creditors should be deprived either wholly or in part of such costs, or should pay the costs of the judgment-debtor or judgment-debtors in the event of the latter appearing, when the proclamation is settled.

(*j*) In case the applicant for sale has been admitted to sue as a pauper, the costs first mentioned in the next preceding rule shall, on the application of the pauper,

be, in the first instance, paid by Government, but shall be recovered as part of the costs of execution and in the manner provided by section 411 of the Code of Civil Procedure.

(*k*) If, after the sale-proclamation has been published, any written communication regarding the property to be sold shall be received by the Court, which it considers material for purchasers to know, the Court shall cause the same to be read out when the property is put up for sale.

(*l*) Subject to the proviso in section 269 of the Code of Civil Procedure, sales of property in execution of decrees in the several Courts of each district (not being Courts of Small Causes) shall be held and commence at a certain day in each month, such day to be fixed by the District Judge or other principal Judge in the district, as regards his own Court and all other Courts sitting at the same place as his own. As regards subordinate Courts sitting at other places within his district, he shall fix the day in consultation with the Judges of those Courts: provided that where two or more of such Judges are stationed in the same place, the District Judge may fix the time for sales in consultation with only one of them.

(*m*) All property to be sold at each place of sale shall be entered in lists for each place—the lists of movable and of immovable property being distinct. The lists shall be so prepared as to contain, in regular order, each item of property to be sold in execution of the decrees of each Court severally; and such lists shall be stuck up in the Courts where the sales are to be held, not less than seven days before the date fixed for the commencement of the sales.

(*n*) At the stated hour upon each fixed date, the

sales shall be commenced, and shall be carried on in the order in which the items of property are entered in the lists above mentioned. No sale shall be held after sunset; but the sales shall be held from day to day (except when the Court is closed) until the lists are finished: provided that this rule shall not interfere with the adjournment of any particular sale according to law.

(*o*) The same days shall not ordinarily be fixed for the sale of movable and of immovable property.

(*p*) Except as regards property of the kind mentioned in the next succeeding rule, sales in execution of decrees for all Courts sitting in sudder stations shall be held in or within the precincts of the Court of the District Judge or other Chief Judicial Officer. If in any other place there are two or more subordinate Courts, all the sales in that place shall be held in or within the precincts of such one of the Courts as may be selected by the District Judge. Where there is only one Court, the sales shall be held in or within the precincts of that Court: provided that the Court executing a decree may, if it see fit, for reasons to be specified in writing, direct in the interest of the parties that the sale be held at any other time and place within its jurisdiction, and, when acting under this proviso, shall, unless there is good reason for the contrary, give the preference as regards choice of time and place to the wishes of the judgment-debtor.

(*q*) All sales of live-stock, agricultural produce, articles of local manufacture and of other things commonly sold at country markets, shall, unless the Court otherwise direct, be held at such market in the neighbourhood of the place where the goods were attached, as may appear most likely to conduce to the advantage of the debtor, regard being had to the prospect of good

prices and to the saving of expense in conveyance and carriage.

For form of proclamation of sale see Chapter II, Rule 3, pages 27, 28.

*N. B.*—These Rules do not apply to sales of under-tenures in pursuance of sections 59 and 60 of Act VIII (B. C.) of 1869.

8. [*Sections 294 and 306, C. C. P.—Amount of deposit to be made by decree-holder purchasing with the leave of the Court—C. O. No. 33 of 18th September 1879.*]—(*a*) When the amount to be paid by a decree-holder, who buys with the leave of the Court and has signified his intention of claiming a set-off, is not more than the amount due to him under the decree including the costs of executing it, the deposit required shall not exceed the amount of the Court fees due on the sale under Clause F, Article 6, Parts II, III, and IV of the Rules made under the Court Fees Act, section 20, clause I.[1]

(*b*) When the amount of purchase-money exceeds the amount due to the decree-holder as above, but such excess, together with the amount of Court fees due for the sale, does not exceed 25 per cent. of the purchase-money, the deposit required shall not exceed the amount of such excess and Court fees.

(*c*) When the excess, with or without the Court fees for the sale, is greater than 25 per cent. of the purchase-money, the full deposit of 25 per cent. shall be required as authorized by section 306.

(*d*) Whenever the amount due as Court fees for the sale of the property has been deposited under Rule 8 (*a*) or Rule 8 (*b*), the Court shall, at the time of confirming the sale, direct that such sum be applied by an officer of the Court to the purchase of the necessary stamps,

[1] *Vide* Chapter IV, Rule 8.

and shall cause the same to be attached to the proceeding containing the order of confirmation, and to be then and there properly defaced. All Judges will be held personally responsible for compliance with this order, which, if attended to at the proper time, will give no appreciable trouble.

(*e*) [*Instructions regarding set-off and earnest-money —C. O. No. 33 of 18th September 1879.*]—Section 294 does not provide for the set-off of a *part* of the purchase-money against a part of the amount due under a decree. The whole of the purchase-money may be set off against a part of the amount due under a decree, where the latter exceeds the former; or, where the purchase-money exceeds the amount due under the decree, the whole of the latter may be set off against the former. When the decree-holder purchasing property of his debtor at an execution sale, with the leave of the Court, desires to make a set-off, the Court executing the decree "shall enter up satisfaction of the decree, in whole or in part, accordingly." No receipt is required from the decree-holder, and the entering up of satisfaction does not depend upon his giving such receipt. When he has signified his intention of claiming a set-off, the Court is to *enter up satisfaction* in full, or in part, as the case may be, without any further action in that respect by the decree-holder. Satisfaction cannot be entered up until the sale has been confirmed, and must then be done once for all. The practice of entering up satisfaction, as for the earnest-money required under section 306, is irregular and is prohibited.

9. [*Section 386, C. C. P.—Rules for the issue and execution of Commissions.*]—The following rules shall be applicable to commissions other than those issued

under the provisions of section 385 of the Code of Civil Procedure:—

(*a*) Every order directing the issue of a commission for the examination of a witness under section 386 of Act X of 1877, shall state whether the commission is to be addressed to a Court, or to a pleader of a High Court. Commissions for the examination of witnesses resident in Calcutta shall ordinarily be issued to a pleader of the High Court.

(*b*) Before the issue of the commission, the party, at whose instance the witness is to be examined, shall pay into Court the fee prescribed by clause (*a*), Article 3, Part II, III, or IV of the Rules framed by the High Court under clause 1, section 20 of the Court Fees Act, VII of 1870;[1] and an additional fee of Rs. 4 for each witness to be examined, if the Court issuing the commission be that of a Munsif or a Court of Small Causes; and of Rs. 10 for each witness, if it be a higher Court.

(*c*) All the fees above mentioned shall be paid in Court fee stamps, if the commission is to issue to a Court. If it is to issue to a pleader of a High Court, the additional fee shall be received in cash and transmitted together with the commission to the Court in which the Commissioner is practising as a pleader, and when such Court is the High Court, to the Registrar.

(*d*) The Court or Officer receiving a commission issued to a pleader of the High Court shall immediately deliver it to him (unless he refuses to act). If the witness or witnesses appear before him and are examined so that he can make a return within the time limited, the additional fee in respect of the number of witnesses

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[1] *Vide* Chapter IV, Rule 8.

actually examined shall, on his returning the commission duly executed, be paid over to him; any surplus shall be sent back, together with the commission, to the Court which issued it, and shall be refunded by such Court to the party who paid it. If from the absence of a witness or other good cause the Commissioner cannot make a return within the time limited, he must obtain an extension of time from the Court which issued the commission.

(*e*) [*List of High Court pleaders to be submitted annually—C. O. No. 11 of 12th February 1880.*]—On the 15th of December of each year every District Judge shall submit to the High Court a list of all pleaders of the High Court practising in the Courts in his district, who are willing to execute commissions under the preceding rules during the ensuing year. From the lists so submitted, a general list shall be compiled by the Registrar of the High Court, and copies thereof shall be supplied to all District Judges for use in their own Court and the Courts subordinate thereto.

(*f*) [*Certain Commissions to whom to issue—C. O. No. 7 of 20th February 1872.*]—Commissions for the examination of witnesses resident beyond the jurisdiction of the Court issuing the commission, and not within the local jurisdiction of the High Court on its original side, ought not ordinarily to be directed to a District Court, but to the Munsif's Court within whose jurisdiction the witness resides. If commissions are, as a rule, directed to the courts of first instance with narrow local limits, the labour of examination will, on the one hand, be divided so as not to accumulate upon the District Court, and, on the other hand, the witness will have the convenience of being able to give his evidence by attending the nearest Court.

(*g*) [*Commissions to Oudh to whom to be addressed—C. O. No. 11 of 5th June 1876.*]—Commissions under section 386 of the Civil Procedure Code should not be addressed by inferior Courts in the Lower Provinces to the Judicial Commissioner of Oudh. They should be addressed either to the nearest local Court, if known, or to the Court of the Deputy Commissioner, which is in Oudh the District Court, or, in Lucknow, to that of the Civil Judge.

(*h*) [*Commissions how to be executed—C. O. No. 33 of 10th September 1880.*]—On receipt of a commission issued under section 386 of the Code of Civil Procedure for the examination of a witness, the Commissioner should determine when he will proceed to execute it—whether (1) at the residence of the witness, or (2) at some convenient locality in the neighbourhood of the Court, or (3), if the Commissioner be a Judicial Officer, whether the witness shall attend in the Court, or in the premises of the Court of such officer—proper arrangements being made, if necessary, for due privacy. As a rule, a person to be examined by commission should attend the Commissioner at the particular time and place specified in the notice issued; but discretion should be exercised in the examination of those whose attendance is ordinarily excused, such as females, persons unable to be removed from their houses owing to old age, sickness, or other bodily infirmity, or persons of rank exempted by an order under section 641 from personal attendance in Court. In such cases the Commissioner should endeavour to discharge his duty with due regard to the special circumstances, and condition of the particular witness. Where the Commissioner is a Judicial Officer, however much he may desire to examine a witness at his or her residence, it may often be absolutely

impossible for him to do so without neglecting other and more important public duties; but when the Commissioner receives remuneration for his services, he should be prepared to meet the convenience of the witness as far as is possible and reasonable. No Commissioner can delegate the performance of his duties as such to another person.

**10.** [*Chapter XLI, C. C. P.—Rules for the preparation and presentation of appeals, the issue of notice, the date of hearing, &c., in the Subordinate Appellate Courts—C. O. No. 17 of 23rd May 1871.*]—(*a*) All petitions of appeal in the Subordinate Appellate Courts shall be presented in open court either by the party in person or his "recognized" agent, within the meaning of that term in sections 37, 417, and 432 of the Code of Civil Procedure, or by a Pleader.

(*b*) In every case in which the petition is presented by a Pleader, the grounds of appeal shall be drawn and signed by a Pleader, who, at the foot of the petition of appeal, shall subscribe the following statement:—

"I certify that I have examined the record in this case, and that, in my opinion, there are good grounds, as above set forth, for this appeal; and, having prepared it, I undertake to appear and support the appeal before the Appellate Court."

(*c*) In every case in which the petition of appeal is presented by the party in person or by a recognized agent, and a Pleader is afterwards retained by such party to support his appeal, the Pleader, before being allowed to appear to support the appeal, shall subscribe and file in court the following statement, which shall be annexed to the petition of appeal:—

"I certify that I have examined the record and the grounds of appeal in this case, and that, in my opinion,

the grounds of appeal are good, and I undertake to appear and support them before the Appellate Court."

(*d*) [*Notification, 16th September 1880.*]—The following words shall be added as a note to Form No. 175 Schedule IV of the Code of Civil Procedure, being the form of the Notice required by Section 553 to be served on the Respondent or his Pleader:—

"Take notice also that if you intend under Section 561 to take any objection to the decree in this case which you could have taken by way of appeal, notice of such objection must be filed in the Appellate Court not later than seven days before the date fixed for the hearing of this appeal."

(*e*) In the case of appeals in the High Court, the date to be fixed for the hearing of an appeal shall be the 28th day after that on which the time allowed for the service of the notice expires: provided that such a day be not a Sunday, or holiday, in which case the first business day afterwards shall be the day of hearing.

(*f*) In the Subordinate Appellate Courts, the date for hearing an appeal shall be fixed so as to allow sufficient time to every Respondent to give the notice of any objection he may intend to take to the decree, required by section 561 of the Code.

# CHAPTER II.

## FORMS FOR PROCEEDINGS

IN THE

## CIVIL COURTS SUBJECT TO THE APPELLATE JURISDICTION OF THE HIGH COURT.

*N. B.*—Subjects in this chapter are arranged as follows: (1) Civil Procedure Code and (2) other Acts in chronological order.

1. [*Sections 72 to 94, C. C. P.—Forms for returns of service of summons and other process—C. O. No. 15 of 25th March 1878.*]—The following forms are prescribed for returns of service of summons and other process under Act X of 1877:—

(*a*) *Return of service of Summons or Notice on Defendant in Person.*

[SECTION 75 OF THE CODE OF CIVIL PROCEDURE.]

*District*
*In the Court of* *at*
No. of 18
of
*against*
of

I DO hereby certify that I did on the day of 18 at [1]

a copy of the summons[2] hereto annexed under the signature of and the seal of the Court with

to the[3]

who [4]

*Dated the* *18*

*Signature of Process-server.*

[1] Here enter the words "deliver," or "cause to be delivered," or, if the summons has been refused, "tender," or "cause to be tendered."

[2] If the document is in English and the party to be served is a native, here enter the words "a translation thereof in the language and character."

[3] Here enter the words "defendant," or "respondent," and name and describe him by his residence and occupation and caste, and father's name if known.

[4] Here state facts as to signature, &c.

## (*b*) *Return of service of Summons or Notice on Agent or Manager.*

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[SECTIONS 75, 76, AND 77 OF THE CODE OF CIVIL PROCEDURE.]

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*District*

*In the Court of* *at*

No. of 18

of

*against*

of

I DO hereby certify that I did on the day of 18 at [1] a copy of the [2] hereto annexed under the signature of and the seal of the Court with [3]

to [4]

in person, who is [5]

an [6] of the [7] who [8]

and who [9]

*Dated the* *18*

*Signature of Process-server.*

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[1] Here enter the words "deliver" or "cause to be delivered," or, if the summons has been refused, "tender" or "cause to be tendered."

[2] "summons" or "notice."

[3] If the document is in English, and the party to be served is a native, here enter the words "a translation thereof in the language and character."

[4] Here enter the name and description of the person to whom given.

[5] Here enter, if necessary, "as I am informed and believe."

[6] "agent" or "manager."

[7] "defendant" or "respondent."

[8] "Is empowered to accept service of the same" or "personally carries on for him business " or "who is in charge of

[9] Here state facts as to signature.

## (c) *Return of Service of Summons or Notice on an Adult Male Member of the Family.*

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[ SECTION 78 OF THE CODE OF CIVIL PROCEDURE.]

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*District*

*In the Court of* *at*

No. of 18

of

*against*

of

I DO hereby certify that as the [1] cannot be found, and has, as far as I am aware, no agent empowered to accept the service of the [2] on his behalf, I did, on the day of 18 at

[3]

a copy of the [4] hereto annexed under the signature of the and the seal of the Court with

[5]

to [6]

of the said [7]

residing with him.

*Dated the* *18*

*Signature of Process-server.*

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[1] "defendant" or "respondent."

[2] "summons" or "notice."

[3] "deliver" or "cause to be delivered," or, if the summons has been refused, "tender" or "cause to be tendered."

[4] "summons" or "notice."

[5] If the document is in English, and the party to be served is a native, here enter the words "a translation thereof in the language and character."

[6] State the name of the person to whom given and his relationship to the defendant or respondent.

[7] "defendant" or "respondent."

## (*d*) *Return of service of Summons or Notice when Defendant refuses to accept service, or cannot be found.*

[SECTION 80 OF THE CODE OF CIVIL PROCEDURE.]

*District*

*In the Court of* *at*

No. of 18

of

*against*

of

I DO hereby certify that as the

and there is, so far as I am aware, no agent empowered to accept the service of the summons on his behalf, nor any other person on whom service can be made, I have[2] a copy of the[3] hereto annexed under the signature of the and seal of the Court with[4] on the outer door of the house in which the[1] ordinarily resides,

*Dated the* *18*

*Signature of Process-server.*

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[1] "defendant" or "respondent" "cannot be found," or "refused to sign an acknowledgment" or "refused to receive a copy of the summons or notice."

[2] "fixed" or "caused to be fixed."

[3] "summons" or "notice."

[4] If the document is in English, and the party to be served is a native, here enter the words "a translation thereof in the language and character."

[5] State whether this is of the server's own knowledge or from information and belief.

## (*e*) *Return of Substituted Service of Summons or Notice.*

[SECTION 82 OF THE CODE OF CIVIL PROCEDURE.]

*District*

*In the Court of* *at*

No. of 18

of

*against*

of

I DO hereby certify that I have, under an order of the Court of the , made under Section 82 of Act X of 1877, [1] the [2] hereto annexed by fixing up a copy thereof under the signature of the and seal of the Court with [3] upon a conspicuous place in the Court-house of the and also upon the door of a certain house [4]

in which, as I was informed and believe, the [5] last resided.

*Dated the* *18*

*Signature of Process-server.*

2. [*Sections 286 to 295, C. C. P.—Form of sale account—C. O. No. 11 of 7th June 1877.*]—(*a*) The following Form of Sale Account shall be filled up in every case by the Nazir or other Officer holding the sale, and shall be presented by him at the close of the day to the presiding Officer of the Court under the orders of which the sale has been held.

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[1] "served" or "caused to be served."

[2] "summons" or "notice."

[3] If the document is in English, and the party to be served is a native, here enter the words "a translation thereof in the language and character."

[4] Describe the house and state where it is situated.

[5] "defendant" or "respondent."

(*b*) The provisions of the Civil Procedure Code render it necessary that cash should sometimes be received by the Nazir, even where sales are held at Head-Quarters where there is a Treasury. It is, therefore, very important that all Judges should see that the cash so received is duly forwarded to the Treasury and credited in account, and it is the object of the Sale Account prescribed in clause (*a*) to bring to the notice of the Judges all such cash transactions, that they may satisfy themselves as to the regular and immediate disposal of the sale proceeds.

## SALE ACCOUNT.

| No. of Lot. | Amount of last bid or bid at which the lot is knocked down. | Name of Purchaser. | Amount of Earnest money. | Date of remittance to Treasury, as per Pass Book or Advice. | Amount of Balance of Purchase money. | Date of payment into Treasury, as per Advice or Pass Book. | REMARKS. |
|---|---|---|---|---|---|---|---|
| | | | | | | | |

3. [*Section 287, C. C. P.—Form of Proclamation of sale.*]—The following Form of Proclamation of Sale shall be used in all cases to which Chapter I, Rule 6, is applicable :—

PROCLAMATION OF SALE

[SECTION 287 OF THE CODE OF CIVIL PROCEDURE.]

*District*

In the Court of at

Execution Case No. of 188

*Decree-holder,*

of

against

*Judgment debtor,*

of

Notice is hereby given that, under Section 284, Act X of 1877, an order has been passed by this Court, for the sale of the attached property mentioned in the annexed Schedule, in satisfaction of the claim of

the decree-holder in the suit[1] mentioned in the margin, amounting with costs and interest up to date of sale to the sum of .

[1] Suit No. of 18 decided by the of in which was Plaintiff and was Defendant.

The sale will be by public auction, and the property will be put up for sale in the lots specified in the sale Schedule. The sale will be of the property of the judgment-debtors above named, as mentioned in the Schedule below; and the liabilities and claims attaching to the said property, so far as they have been ascertained, are those specified in the Schedule against each lot.

In the absence of any order of postponement, the sale will be held by at the monthly sale commencing at o'clock on the at

In the event, however, of the debt above specified and of the costs of the sale being tendered or paid before the knocking down of any lot, the sale will be stopped.

At the sale, the public generally are invited to bid, either personally or by duly authorized agent. No bid by, or on behalf of, the judgment-creditor above mentioned will, however, be accepted; nor will any sale to him be valid without the express permission of the Court, previously given. The following are the further

CONDITIONS OF SALE.

1. The particulars specified in the schedule below have been stated to the best of the information of the Court; but the Court will not be answerable for any error, mis-statement, or omission in this proclamation.

2. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.

3. The highest bidder shall be declared to be the purchaser of any lot, provided always that he is legally qualified to bid, and provided that it shall be in the discretion of the Court or of the officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.

4. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it, subject always to the provisions of section 291, Act X of 1877.

5. In the case of movable property, the price of each lot shall be paid for at the time of sale or as soon after as the officer holding the sale directs; and in default of payment, the property shall forthwith be again put up and sold.

6. In the case of immovable property, the person declared to be the purchaser shall pay, immediately after such declaration, a deposit of 25 per cent. on the amount of his purchase-money, to the officer conducting the sale; and in default of such deposit, the property shall forthwith be put up again and sold.

7. The full amount of the purchase-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day; or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.

8. In default of payment of the balance of purchase-money within the period allowed, the property shall be re-sold after the issue of a fresh notification of sale. The deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may be subsequently sold.

GIVEN under my hand and the seal of the Court this day of 18 .

*Judge.*

*Schedule of Property.*

| Number of lot. | Description of property to be sold, with the name of each owner where there are more judgment-debtors than one. | The revenue assessed upon the estate or part of the estate, if the property to be sold is an interest in an estate or a part of an estate paying revenue to Government. | Detail of any incumbrances to which the property is liable. | Claims, if any, which have been put forward to the property, and any other known particulars bearing on its nature and value. |
|---|---|---|---|---|
| | | | | |

4. [*Sections 336 to 342, C. C. P.—Form of warrant for imprisonment in execution—C. O. No. 5 of 27th January 1873.*]—The accompanying form of warrant shall be used when persons arrested in the execution of civil process are committed by Civil Courts to the custody of the officer in charge of the jail under the provisions of sections 336 to 342 of the Civil Procedure Code.

IN THE COURT OF

Suit No. of 18

*To the Officer in Charge of the Jail at*

Whereas been brought before this Court this day of one thousand eight hundred and under a Warrant in execution of a decree, which was made and pronounced by the said Court on the day of one thousand eight hundred and in a suit wherein

plaintiff and

defendant, and by which decree it was ordered that the said should pay

and whereas the said

not obeyed the decree nor satisfied the Court that entitled to be discharged from custody under the provisions in that behalf of Act X of 1877, you are hereby, in the name of the Empress of India, commanded and required to take and receive the said

into the Jail and keep imprisoned therein until the further orders of this Court, or until the said shall be entitled to be released according to the terms and provisions

of sections 339, 341 (a), (d), (f), and 342 of the said Act. And the Court does hereby fix annas per diem as the rate of the monthly allowance for the subsistence of the said during confinement under this Warrant of Commitment.

Given under my signature and the seal of this Court the day of in the year of Our Lord one thousand eight hundred and

5. [*Section 436, C. C. P.—Form of return of service of process on a Corporation or Company—C. O. No. 15 of 25th March 1878.*]—The following form shall be used for the return of service of process on a Corporation or Company :—

RETURN OF SERVICE OF SUMMONS OR NOTICE ON A CORPORATION OR COMPANY.

[SECTION 436 OF THE CODE OF CIVIL PROCEDURE.]

*District*
*In the Court of* *at*
No. of 18
of
*against*
of

I do hereby certify that I did on the day of 18 copy of the [2] under the signature of the and seal of Court at [3]

Office of the Company.
*Dated the* *18*

*Signature of Process-server.*

---

[1] "deliver" or "tender" or "leave."

[2] "summons" or "notice."

[3] State the place and add "to Mr.———, [state what his position is] an officer," or "the registered office."

## ACT VIII (B. C.) OF 1869.

6. [*Sections 59 and 60—Form of Notice of sale—C. O. No. 31 of 30th August 1880.*]—The following form shall be used for the notice of sale under sections 59 and 60 of Act VIII (B. C.) of 1869:—

### NOTICE OF SALE.

[SECTIONS 59 AND 60 OF ACT VIII (B. C.) OF 1869.]

*District*
*In the Court of* *at*
No. of 18

*Judgment-creditor,*

of

against

*Judgment-debtor.*

of

NOTICE is hereby given that on the application of the judgment-creditor in the above case, made under section 59 of Act VIII (B.C.) of 1869, an order has been passed by this Court for the sale of the under tenure specified in the annexed Schedule, in satisfaction of his claim for arrears of rent due in respect thereof and amounting with costs and interest to the sum of

The sale will be by public auction. In the absence of any order of postponement, the sale will be held by at the monthly sale commencing at o'clock on the at . . In the event, however, of the debt including costs above specified and of the costs of the sale being tendered or paid before the knocking down of the lot, the sale will be stopped.

At the sale the public generally are invited to bid, either personally or by duly authorized agent. No bid by or on behalf of the judgment-creditor above mentioned, however, will be accepted; nor will any sale to him be valid without the express permission of the Court, previously given. The following are the further

CONDITIONS OF SALE.

1. The amount by which the biddings are to be increased shall be determined by the officer conducting the sale. In the event of any dispute arising as to the amount bid, or as to the bidder, the lot shall at once be again put up to auction.

2. The highest bidder shall be declared to be the purchaser of each lot, provided always that he is legally qualified to bid, and provided also that it shall be in the discretion of the Court or officer holding the sale to decline acceptance of the highest bid when the price offered appears so clearly inadequate as to make it advisable to do so.

3. For reasons recorded, it shall be in the discretion of the officer conducting the sale to adjourn it, subject always to the provisions of section 291 of Act X of 1877.

4. The person declared to be the purchaser shall pay, immediately after such declaration, a deposit of 25 per cent. on the amount of his purchase-money to the officer conducting the sale; and, in default of such deposit, the property shall forthwith be put up again and sold.

5. The full amount of the purchase-money shall be paid by the purchaser before the Court closes on the fifteenth day after the sale of the property, exclusive of such day; or if the fifteenth day be a Sunday or other holiday, then on the first office day after the fifteenth day.

6. In default of payment of the balance of purchase-money within the period allowed, the property shall be re-sold after the issue of a fresh notification of sale. The deposit, after defraying the expenses of the sale, shall be forfeited to Government, and the defaulting purchaser shall forfeit all claim to the property, or to any part of the sum for which it may be subsequently sold.

GIVEN under my hand and the seal of the Court this day of 18

*Judge.*

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*Schedule of Under-tenure.*

| Number of lot. | Description[1] of under-tenure to be sold.[1] | Names of tenants registered in the Zemindar's books. | Yearly rent payable for the under-tenure. | Incumbrances, if any, which have accrued under the written authority of the person who created the under-tenure, his representatives, or assigns. |
|---|---|---|---|---|
| | | | | |

[1] With the name of the village, estate, and pergunnah or other local division, in which the land comprised in the said under-tenure is situate.

## ACT VI OF 1871.

7. [*Judicial Officers vested with the powers of a Small Cause Court Judge under section 29 to use the Summons Book and Register—C. O. No. 7 of*

*12th June 1875.*]—(*a*) Every Subordinate Judge and Munsif vested under Section 29, Act VI of 1871, with the jurisdiction of a Judge of a Court of Small Causes, whatever the pecuniary limits assigned, shall use the Summons Book and Register[1] in use in Small Cause Courts for purposes of record in connection with cases tried under such powers.

(*b*) The rules regarding the destruction of Small Cause Court Records[2] are extended to the records of cases decided under Section 29, Act VI of 1871, provided the Summons Book and Register have been regularly kept up.

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[1] *Vide* Chapter IV, Rule 5 (*c*), pages 220, 221. [2] *Vide* Chapter V, Rule 57.

# A.—CHAPTER III.

FORMS AND DIRECTIONS FOR BOOKS, ENTRIES, ACCOUNTS, AND RETURNS, TO BE KEPT OR MADE BY THE CIVIL COURTS SUBJECT TO THE APPELLATE JURISDICTION OF THE HIGH COURT.

## ACCOUNT RULES[1]—(JUDICIAL).

(For observance by Judicial, Magisterial, and all Civil officers, not in direct account with the Accountant-General, in the receipt and payment of money.)

### SECTION I.—GENERAL.


*Application of the Rules* . 1–2
*District Judge* . . . . 3
*Judge in charge* . . . . 4
*Heads of Account* . . 5–6
*General Principles* . . 7–17


*Application of the Rules.*

**1.** The following rules prescribe the procedure for the receipt and payment of money, and for keeping accounts to be observed by officers exercising judicial powers and dealing with money in that capacity. These rules do not apply to the High Court, or to the Presidency Small Cause Court; nor do they apply to the subordinates of the Magistrate of the district, because such of them as are stationed in the interior of the district exercise also collectorate powers and keep their accounts under treasury rules, and the transactions of those at head-quarters are included in those of the Magistrate. They apply to all Judges, Additional Judges, Subordinate Judges, Moonsiffs, Small Cause Court Judges, and Magistrates of districts, and these all are included under the general term "Judge."

**2.** While the rules generally are applicable to all the officers just mentioned, special procedure is laid down, where necessary, for courts not situated at or near a treasury or sub-treasury. Such courts are in the rules designated "out-stations," which term must be held to

[1] These rules are separately paged at the foot of each page, for the purposes of reference, &c.

include courts at or near sub-treasuries during such time as the sub-treasuries may be temporarily closed owing to the absence of the Sub-divisional Officer from his head-quarters.

*The "District Judge."*

3. In these rules the term "District Judge" signifies the officer whose accounts are rendered to the Accountant General, either for his own court only, or for his own and subordinate courts. Any officer may be vested with the powers of a District Judge for the purposes of these rules; and in any district, in which a District Judge is not for the time being resident, they shall be exercised by the principal civil judicial officer at head-quarters.

*The "Judge in charge."*

4. The term "Judge in charge" is used to designate the officer who, when two or more courts at one station are combined for the purposes of these rules, supervises the single set of accounts maintained for all the courts so combined. When courts are not so combined, each Judge is the "Judge in charge" of his own accounts.

*Heads of Account.*

5. The following are the heads of account in the public accounts under which the money received and paid by judicial officers, or under their orders, is classified:—

(*a*) Civil or criminal deposits, including rent deposits.

(*b*) Fines (judicial); refunds of the same.

Except as provided in rule 49 below, fines can be refunded only through the treasury.

(*c*) Stamp duty and penalties realized in court. Refunds of the value of court-fee stamps.

While stamp duty and penalties may be realized in court, it will be observed that they can, under section 36 of the Stamp Act,

be refunded only by the Collector. Court-fees realized in stamps may, under certain circumstances, be refunded by order of the court; such orders, if the amount payable does not exceed Rs. 5, may be cashed in court, otherwise they are payable only at the treasury.

(*d*) Value of the unclaimed property of intestates and others credited to Government.

District Judges' courts alone at present deal with the unclaimed property of intestates. The value thereof cannot be credited to Government until the time limited by law has expired (*vide* rule 105, *post*). Refunds under this and the following heads can be made only through the treasury.

(*e*) Miscellaneous receipts (not deposits), *i. e.*, forfeitures, forfeiture of earnest-money by defaulting bidders, sale proceeds of old furniture, stores, &c., &c.

(*f*) Petty receipts to be credited at once to Government, *i. e.*, searching fees, copying fees, comparing fees, sale proceeds of forms and of service books.

When receipts under this head are realized in stamps, it is not necessary to enter them in the accounts as cash receipts.

(*g*) Peremptory receipts, *i. e.*, witnesses' expenses, prisoners' diet money, boat-hire, ameens' travelling allowance, fees payable to Commissioners for taking evidence, postage and other peremptory receipts.

6. From the list of headings in rule 5 it will appear that the rules apply only to moneys received by an officer in his judicial capacity. They do not apply to Local Fund receipts and payments, nor to money received by way of permanent advance, or upon establishment or contingent bills (see rule 35). As regards Local Funds, there is a separate system of rules; and as regards other items, a judicial officer should deal with them under the rules applicable to other officers.

*General Principles.*

7. All receipts and payments under heads (*a*) to (*e*) above must appear in the court's accounts and in the treasury accounts in detail. An account in detail of all receipts under head (*f*) must be kept in the court, but only the daily totals of each kind of receipts will appear in the treasury books. All receipts and payments under head (*g*) will be made on the responsibility of the cashier, whose security must be sufficient to cover any amount in his hands. They will not appear at all in the treasury accounts, but the balance in the hands of the cashier must be noted daily in the Cash Book, as well as the balances of any other moneys which he may be entrusted with (*e. g.*, permanent advance, pay of establishment, &c.).

8. An exception to rule 7 is allowed in cases where money has to be paid by one person to another, and both are present in court. In such cases the money may be passed direct from the one to the other under the sanction of the court, the fact being noted in the record of the case. Such transactions are not to appear in the accounts at all. Care must, however, be taken to see that no officer of the court receives or becomes in any way responsible for the money, and that no receipt for it is given by the court or any officer of Government. This procedure may conveniently be followed in cases where judgment-debtors are prepared to satisfy the claims of judgment-creditors, where costs of the day are allowed by the court, where compensation is awarded to accused persons, or costs to complainants by the criminal courts.

9. Judges will, as far as possible, in their transactions with the public, avoid the direct receipt and payment of money under head (*a*) of rule 5. Cash must, however,

be received (*a*) when the court is bound by law to accept payment either absolutely or up to a given time (*vide* sections 306, 307, and 336, Act X of 1877), and in every such case the money shall be received even although tendered after the hour prescribed by rule 15; (*b*) when the proceeds of movable property sold in execution (section 297, Act X of 1877) are realized after the hour prescribed in rule 15; (*c*) at out-stations, in the case of rent deposits under section 46, Act VIII (B. C.) of 1869.

**10**. At out-stations cash transactions under head (*a*) of rule 5 are allowed. Money should, however, be received in cash only when, having regard to the balance in hand (which should not exceed Rs. 500), this can conveniently be done. Payments of small sums should ordinarily be made out of cash in hand, but large payments should be made in cash, only if this can be done conveniently, and if it is better thus to disburse the balance of cash in hand than to remit it to the treasury.

**11**: Judges of Small Cause Courts, and Munsifs exercising Small Cause Court powers, though their courts are situated within daily reach of a treasury, may, by special order of the High Court, be empowered to receive and pay in cash small sums coming under head (*a*) of rule 5. The sums so paid shall not in any case exceed Rs. 100 in amount.

**12**. Money under heads (*b*), (*c*), (*d*), (*e*), (*f*), and (*g*) of rule 5 may ordinarily be received in cash in all courts. As explained in the notes to that rule, repayments under heads (*b*), (*c*), (*d*), (*e*), and (*f*) should ordinarily only be made through the treasury. Under head (*g*), payments will ordinarily be made in cash by the cashier on his own responsibility.

**13**. Except in the case of courts at out-stations, the

whole cash balance must be remitted to the treasury, as provided by rule 55 below, at the close of each day. At out-stations the entire cash balance must be so remitted on the last day of the month, and from time to time on such other days in the course of the month as may be convenient. Under no circumstances shall the balance of cash in hand be allowed to exceed Rs. 500.

**14.** If after a remittance, and before further cash has come in, payments in cash are necessary, they should be made from the permanent advance.

**15.** For the purposes of these rules in all courts, the "day" must be taken to close at 2 P.M., and the next "day" to extend from that hour to 2 P.M. of the following calendar day. Between 2 and 3 P.M. the accounts shall be made up, and no transactions shall take place in court. If, under exceptional circumstances, any transactions have to be allowed after 3 P.M., they must be entered in the court's accounts, bearing date the next open day.

On the last working day of each month, or when the treasury closes at 1 P.M., it is necessary that the accounts be closed a noon, and in this case the next day shall extend from noon till 2 P.M. of the following calendar day.

**16.** The "month," for the purposes of these rules, shall be taken to close, in courts at district head-quarters, at the end of the last account day of the month; in courts at sub-treasuries, at 2 P.M. on the day on which the accounts of the sub-divisional treasury are finally closed for the month; and at out-stations, at 2 P.M. of the last day, of which the accounts can reach the treasury in time for incorporation with the treasury accounts for the last day of the month.

**17.** For the purposes of these rules, the "year" in all courts shall be taken to begin on the 1st April and to close on the 31st March.

## SECTION II.—RECEIPT OF MONEY.

*Heads (a) to (e)—*
*Chalans required* . . 18–20
*Registry of Chalans* . 21
*Approval by Judge in charge.* . . . . 22–24
*Heads (f) and (g)* . . 25–26
*Receipt of Money by Cashier* . . . . 27–31
*Peremptory Cash Book* . 32
*General Cash Book* . . 33
*Accountant's Check* . . 34
*Daily Balance* . . . 35

### *Heads (a) to (e) of Rule 5.*

**18.** Payment of sums falling under heads (*a*) to (*e*) of rule 5 cannot be accepted either in court or at the treasury, unless the money be tendered with a chalan in duplicate, signed by the chief ministerial officer of the court under whose decree or order the money is tendered, and also by the accountant of the court or group of courts.

**19.** Any person desirous of paying money into court, or, in the case of collections made by any officer of the court, the officer who has realized the money, shall be furnished, free of cost, with two forms of chalan (Form No. 1), in each of which he must enter in the vernacular or English the particulars required from him. One of the chalans, herein called the original chalan, shall bear the court-fee stamp (if any) required by law.[1]

In the case of deposit chalans care must be taken to enter fully the nature of the deposit, the number of the suit or execution case (if any), the name of the person on whose behalf the money is paid in, and of the person to whom it is to be paid over, &c., &c.

[1] No stamp is required for a tender of money which a party is bound to pay into court in the progress of a suit, or to complete a purchase, as the court cannot refuse the tender.

In cases where the payment is voluntary, such as deposits made on account of rent, or by a mortgagor and the like, a stamp should be required; but if the application or petition be duly stamped, a second fee should not be exacted for the chalan.—(*C. O. No. 10, dated 12th May 1877.*)

**20**. The person desirous of paying in the money, having filled up the forms of chalan, shall present them to the chief ministerial officer of the court mentioned in rule 18. The latter shall then ascertain that the amount tendered is correct and is due from the person on whose account it is tendered to the person to whom it is stated to be payable, and, after correcting the forms of chalan if necessary, shall sign part I, and pass the forms on to the accountant of the court or set of courts, who, having filled up part II, shall number and register them in a Register of Chalans (Form No. 2). In column 3 he shall enter the name of the person actually tendering the money, and of the person on whose behalf it is tendered. In column 4 he shall enter the name of the person (if any) to whom the money is payable, and all the other particulars stated in the chalan and necessary for subsequently posting up the Register of Deposit Receipts.

When courts are combined for the purposes of account (see rule 4), there shall be only one accountant and one cashier for all the courts so combined.

**21**. A separate index number shall be given to each chalan. The numbers in a consecutive series shall be entered both in the chalan and in the Register. The accountant shall be careful to enter in the chalan the particular heading under rule 5, to which the receipt belongs.

*Approval by Judge in Charge.*

**22**. The Register and the chalans shall then be laid before the Judge in charge, and he shall initial each entry as he passes the chalans. The two chalans shall

then be returned to the party tendering the money, and shall be his authority to pay the same into the court, or into the treasury.

A Judge in Charge may, with the previous sanction of the District Judge, delegate to the chief ministerial officer of his court the duty of passing chalans.

**23.** No person is required to take out a chalan till he is actually ready to pay in the money for which he takes it, nor, after a person has taken a chalan, can he be permitted to defer using it. The order to the Treasury Officer must, therefore, be limited in its operation to the day upon which the chalan is made over to the applicant, or, if the transaction occurs after the accounts are closed (rule 15), to the next open day. This is distinctly provided for in the form of order. In case of failure to tender the money at the treasury within the time limited, the tenderer must obtain, by written application, an order from the court extending the time.

**24.** In the case of out-stations, the order to the Treasury Officer shall grant for the payment in of the money such time only as is indispensable to enable it to be taken to the treasury.

*Heads (f) and (g) of Rule 5.*

**25.** Petty receipts under head (*f*) of rule 5 (searching, copying, or comparing fees, &c.), when payable in cash, shall be tendered in the first place to the accountant, and noted by him in a special Register (Form 3). The accountant shall enter the name of the tenderer, the amount to be paid, and the number and date in the foil and counterfoil of the Register, shall then detach the right-hand portion, and make it over to the tenderer for presentation with the money to the cashier.

**26**. Peremptory receipts under head (*g*) of rule 5 shall be tendered to the cashier direct, without the intervention of the accountant. A chalan is not required in respect of such.

*Receipt of Money by Cashier.*

**27**. The cashier on receiving a chalan in duplicate addressed to him under rule 20, or a payment slip issued by the accountant under rule 25, or a tender of money under rule 26, shall accept the money, and at once enter the amount as a receipt in the appropriate Cash Book (rules 32 and 33).

**28**. When chalans have so been passed, he shall keep one copy, and return the other with his receipt enfaced upon it. This receipt shall be produced in court by the person paying the money, when it is necessary for him to have satisfaction entered upon the record of the case to which he is a party.

In the same way, on presentation of the chalan in duplicate at the treasury, as prescribed above in rule 23, and on payment of the money, the payer shall receive, as an acknowledgment, one of the two chalans signed—by the Treasury Officer, if the amount be Rs. 500 or more—by the Accountant and Treasurer, if less than that sum.

**29**. When, under clauses (*a*) and (*b*) of rule 9 above, a tender is made of money which must, by law, be received, the payment shall be made direct into court in cash, but only under the express order of the presiding officer, who shall himself sign the chalans, and see that the money is duly entered in the accounts in the manner prescribed in rule 15.

**30**. In the case of payment slips the cashier shall countersign the slip, which the applicant is to retain as a voucher, and, when a copy has been applied for, his authority to take delivery of the same when ready.

**31.** When money is tendered under rule 26, the cashier shall enter the amount in the foil and counterfoil of a bound book (Form No. 4) of receipts numbered in serial order. He shall then tear off the counterfoil, sign it, and give it to the payer as his voucher.

*Peremptory Cash Book.*

**32.** To exhibit the peremptory receipts and payments (head (*g*) of rule 5) for which the cashier is responsible, and of which the accountant keeps no record, the former officer shall maintain a Register in Form No. 5, in which each class of such receipts and payments shall be separately exhibited in appropriate columns, and a balance shall be struck at the close of each day.

*General Cash Book.*

**33.** The cashier's General Cash Book shall be maintained in Form No. 6, and shall exhibit in detail all receipts and repayments under heads (*a*) to (*f*). Receipts and payments under head (*g*) shall not be carried to the General Cash Book in gross, but the balances of the peremptory cash book shall be exhibited therein as directed below.

*Accountant's check on Petty Receipts.*

**34.** At the close of each day the cashier shall submit to the accountant his General Cash Book, and the accountant shall check the entries of petty receipts with those on the counterfoil of his Register. The accountant shall then prepare a chalan in Form 1 for the whole amount received by the cashier, distinguishing each kind of receipt separately, and shall enter it in the Register of Chalans (Form 2) as an amount received in court. The amount in the Register of Chalans must tally with the cashier's receipts under heads (*a*) to (*f*).

*Daily Balance.*

**35.** The cashier shall then strike a balance in his General Cash Book, and enter below it in separate entries the balances struck in the Peremptory Cash Book. It is advisable, for purposes of record, that he should be required also to enter here a note of the money held by him upon any other account, such as for contingent expenditure, or for salaries of establishment. These form no substantive part of the judicial accounts, but the Judge ought to have in a single view a statement of all the money in the cashier's possession. This statement may be made as follows:—

Balance of General Cash Book, as above—

| | | |
|---|---|---|
| General balance | . | Rs. 00 |
| Peremptory balance | . | „ 00 |
| Balance of Permanent Advance, as per Contingent Register . . . . . | | „ 00 |
| Establishment Pay, undistributed . . . | | „ 00 |
| Other amounts (which should be explained) | . | „ 00 |
| TOTAL MONEY IN CASHIER'S POSSESSION | . | Rs. 00 |

Being restricted to transactions in actual cash, the General abstract Cash Book is not to show receipts in the form of court-fee labels, or refunds of the value of these, which, as explained above (rule 5), are ordinarily payable only at the treasury.

As regards postage stamps received by way of remittance, an account should be kept separately in the form of a plus and minus memo., and the balance in hand should be entered, as directed above, in the General Cash Book.

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## SECTION III.—PAYMENT OF MONEY.

*Application for Payment* 36
*Audit* . . . . . 37–38
*Payment Order* . . . 39
*Approval by Judge* . . 40–41
*Lapse of Order* . . . 42
*Lapsed Deposits* . . . 43
*Miscellaneous Refunds* . 44–46
*Payments by Cashier* . . 47

*Application for Payment.*

**36.** Persons desiring to draw money deposited in

court and payable to them shall submit to the chief ministerial officer of the court mentioned in rule 18 an application in Form No. 7, or, in the case of a rent deposit, in Form No. 8. One copy of such form shall be supplied free of charge. In this form the applicant shall enter all particulars necessary for the identification of the credit. If it is intended to withdraw more than a single item of deposit by one application, the amount of each item and the number of each deposit must be distinctly stated.

If the party entitled to the money does not appear in person, the applicant must satisfy the court that he is duly authorized by an instrument in writing to draw the money for the person so entitled.

The applicant must comply strictly with the terms of the order under which the money is claimed. Thus, one of a number of joint decree-holders cannot be allowed to take out what he calls his share in the decretal amount; they must all join in the application, unless there has been an order for distribution.

*Audit of Application.*

**37.** The chief ministerial officer shall compare the application with the record of the case, and carefully test the validity of the claim. If he finds that the name of the payee has been correctly given, and that there is no objection to the payment of the money on the ground of attachment or otherwise, he shall make enquiry as to the identity of the applicant, and if satisfied of such identity shall sign the certificate at the foot of part I of the application, and pass on the application so signed to the accountant of the court or group of courts. Such accountant shall compare the contents of the application with the Register of Deposit Receipts, and shall satisfy himself that the amount as shown has been received and is still unpaid, and that the name of the claimant corresponds with the name of the payee entered

in the Register, and that no order for the attachment of the money is in force.

If the deposit has been transferred to an Account Particulars (rules 88, 89), such Account Particulars shall be deemed to be the Register of Deposit Receipts within the meaning of this and the next four rules.

**38.** If the application for payment is found to be incorrect or defective, the accountant shall note the error or defect, and return it to the applicant for correction by him, or for reference by the applicant to the court.

*Payment Order and Registry.*

**39.** If the application is found to be correct, and the deposit has not lapsed, the accountant shall fill up the second part of the application form, post the transaction in the Register of Payment Orders (Form No. 13), numbered with its proper index number, and make the requisite entry in the Register of Deposit Receipts. Finally, the application, with the Register of Payment Orders and the Register of Deposit Receipts, shall be laid before the Judge in charge.

*Approval by Judge in charge.*

**40.** Before passing the application for payment, the Judge in charge is required to satisfy himself, in the first instance, that the requirements of rule 37 have been complied with. He shall further satisfy himself by personal inspection of his Register of Deposits that the balance at credit of the particular deposit is sufficient to meet the repayment, and that no order for the attachment of the money has been noted. If the result of his scrutiny is satisfactory, he may sign the order for payment of the amount either from the local treasury or from his court, as prescribed above in rules 9 to 12.

and shall attest with his initials the note of the order of repayment made in the Register of Deposit Receipts. He shall also initial the entries in the Register of Payment Orders (Form No. 13). The payment order shall then be made over to the applicant for presentation to the cashier if the money is to be paid in court, or to the Treasury Officer if to be paid by such officer.

**41.** When the money sought to be drawn out of court is in deposit, not in the court to which the application is made, but in another court, as, for example, where two or more courts at one station are combined for the purposes of accounts, in every such case the duty of the court to which the application is made shall be merely to receive such application and forward it to the court of the Judge in charge, with a certificate, made after examination of the record, that the applicant is the proper party to receive payment of the amount claimed. In any case in which the amount has been transferred from the credit of the original payee to that of the claimant, this fact should be stated. This certificate shall be compared with the Deposit Register in the office of the Judge in charge. Such Register, if the sum is shown therein to be in deposit, will inform the Judge whether there is any bar to payment. If there is no such bar, the payment order may be issued by the Judge in charge, and the fact of its issue shall be communicated to the subordinate court, in order to enable it to enter satisfaction for the amount upon the record of the case.

*Lapse of Order.*

**42.** (*a*) An order for payment from the local treasury is valid for ten days only, and may not be cashed after the expiry of ten clear days subsequent to the date thereof. An order which has not been paid within ten

days as aforesaid, may be presented to the court which issued it, and such court may re-enface thereupon a new payment order, which shall remain valid for ten clear days immediately after the date thereof. When the last day of any such period of ten days is a day on which the treasury is closed, the order may be cashed on the day on which such treasury re-opens.

(*b*) When the Treasury accounts are closed on the 31st day of March in each year, every order for payment issued on or before that date shall lapse absolutely; and Treasury Officers are forbidden to cash after the 31st March orders issued on or before that date. An order which has lapsed under this clause cannot be renewed, but a new order may be obtained upon delivering up the old order and making a fresh application under rule 36.

Judges should warn persons who apply for orders at the end of March of the effect of this rule, and tell them to wait till April 1st, unless they mean to cash immediately any order that they may obtain.

(*c*) Immediately after the 31st day of March in each year, the Judge in charge shall ascertain what payment orders issued on or before that date are still uncashed, and shall mark them off under his initial in the Registers (1) of Payment Orders, and (2) of Deposit Receipts, as "cancelled under rule 42 (*b*)."

*Lapsed Deposits.*

**43.** When an application is made to draw money at credit under a deposit which has lapsed under rule 95, but the payment of which is otherwise unobjectionable, the accountant shall prepare a special form of application (Form 9), which, when passed by the Judge in charge after the examination prescribed by rule 40, shall be dealt with under rule 98.

*Miscellaneous Refunds.*

**44.** When an application is made for the refund of a fine or a miscellaneous receipt (heads (*b*) to (*f*) of rule 5), the payment order shall be prepared by the accountant in Form 10 after checking the application by a reference to the Fine Register or Miscellaneous Receipt Register (rule 102); and the Judge in charge, at the time of passing the refund order, shall note the repayment against the entry of the receipt in such Register. The payment order shall also be noted in the Register of Payment Orders (Form 13) and initialed by the Judge in charge.

**45.** Application for the refund of the value of court-fee stamps is to be made to the chief ministerial officer, who shall compare the application with the record, and if he finds that a refund is due, shall draft and sign an order on the back of the paper to which the court-fee stamps are affixed. The papers must then be passed on to the accountant, who shall prepare a payment order in Form No. 11 or 12, as the case may require, and shall enter the particulars in the Register of Payment Orders. The application with the other papers and the Register shall then be laid before the judicial officer, who, if satisfied that the proceedings are in order, may sign the order of refund on the back of the stamped paper and the payment order, and initial the entry in the Register. The payment order shall then be made over to the applicant for presentation at the treasury, or, if the amount do not exceed Rs. 5, to the cashier of the court.

Petty refunds of the value of court fees may be paid out of cash in the court on vouchers in Form 12 and charged in the Cash Book.

**46.** In so far as concerns the accounts system, it is invariably necessary to trace each item of payment under

the court's orders back to its corresponding item of receipt; in other words, to connect each item of a court's debit in the treasury with the corresponding item of credit, however far in time the two may be separated from each other. Accordingly the court must take care to furnish itself and the treasury with the necessary particulars for this purpose.

*Payments by Cashier.*

**47.** In the case of payment orders directed to the cashier, the payment must be entered by the cashier in the General Cash Book, the payment order being retained by the cashier as his voucher.

The cashier should cancel the vouchers, as soon as he pays them by writing on the face "Paid" with his initials. A "paid" stamp should not be used, as that indicates the subsequent discharge at the treasury.

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## SECTION IV.—SETTLEMENT IN COURT.

*Simultaneous Receipt and Payment* . . . . . 48 | *Compensation to Plaintiff* 49-50

*Simultaneous Receipt and Payment.*

**48.** When payer and payee are both before the court, the receipt and payment may be made, as provided in rule 8 above, by the money being passed directly between the parties, a note of the transaction being entered on the record of the case. Such transactions are not to appear in the court's accounts at all. Payment of compensation to plaintiffs must not be made under this rule; such transactions must pass through the books, as directed in the following rule:—

The procedure laid down in the above rule may be applied by a Criminal Court in cases of the award of compensation to the

accused under section 209 of the Criminal Procedure Code, or of the refund of fees by the accused to complainants under section 31 of Act VII of 1870.

*Payment of Compensation to Plaintiffs in presence of the Accused.*

**49.** The application of the plaintiff in Form 10, and the chalan for the fine paid in by the accused, shall be drawn up and passed through the books in the ordinary way, and the receipt and payment are to be made independently of each other.[1] The order on the chalan shall, however, be signed by the judicial officer, and shall be an order to the Court Inspector to receive the amount; and the order on the application (Form 10) shall be an order also directed to that officer to pay, but must contain the words "after the amount has been realized from A. B."

**50.** In cases dealt with under the last rule, the duplicate chalan shall be returned to the payer, duly endorsed with the certificate of the Court Inspector's transfer of the money, and the payment order, duly receipted, shall be retained in the custody of the court.

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## SECTION V.—ACCOUNT-KEEPING AND REMITTANCE TO TREASURY.

*Courts near Treasuries* . 51-52
*Examination by Judge* . 53
*Daily Remittance* . . . 54-55
*Courts not near Treasuries* 56
*Periodical Remittance* . 57
*Adjustment with Treasury* 58
*Rules regarding Remittances* 59-61
*Treasury Advice List* . . 62
*Comparison by Judge* . . 64-65

*Courts near Treasuries.*

**51.** In courts situated within daily reach of a treasury, the accountant shall, after the close of business

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[1] The entry in the Register of Fines must be made at the time of the transaction, and not at the end of business.

each day make the proper entries in the treasury Pass Book (Form 14), showing in detail the sums received from, and paid to, the public in cash. The receipts shall be entered on the right-hand side, and are to consist of the sums entered in column 5 of the Register of Chalans (Form No. 2) headed "Amount received in Court." The payments shall be entered on the left-hand side, and are to consist of the sums shown in column 5 of the Register of Payment Orders (Form No. 13) headed "Amount paid in Court."

**52.** Every chalan and payment order for money received or paid at court under heads (*a*) to (*f*) shall be shown in detail in the Pass Book, and the head of account shall be noted against each, so as to enable the Treasury Officer to bring the transactions in detail upon his books, and classify them correctly.

It is necessary to show in the Pass Book the totals only of each chalan and payment order. Each chalan may contain any number of items, provided they belong to the same head of account.

*Examination by Judge in charge.*

**53.** The Judge in charge shall examine the accounts by comparing (1) the Registers of Chalans and Payment Orders (amounts received and paid in court) with the cashier's General Cash Book; (2) the treasury Pass Book, with both; and (3) the balances shown in the Peremptory Cash Book, with those shown in the General Abstract Cash Book.

*Daily Remittance.*

**54.** The balances of the cashier's account in respect of Diet Money should be observed every day in passing the General Cash Book. To prevent excessive accumulations under this head, the Judge in charge should transfer to deposits such portions of the balance as he may

consider advisable. Amounts so transferred, if subsequently required, shall be withdrawn from deposits in the manner described above, and credited in the Peremptory Cash Book. If such sums remain in deposit for three years, they must be carried to credit of Government under rule 95, relating to lapsed deposits.

**55**. Having initialed the accounts of the day and signed the Cash Book, the Judge in charge shall send the Pass Book to the treasury, together with the net amount in cash and all the chalans and payment orders. This remittance must be entered in the Cash Book as a payment of the day upon which it is made.

It is important that this be done before the business of the new day commences, and the cashier should have in hand, after each such remittance, only the balance of the peremptory cash transactions and the other balances referred to in rule 35.

The total of chalans of the day for money received in cash by the court, minus the total of payment orders cashed at the court, will represent the balance of cash to be remitted to the treasury. The amount so remitted will be noted on the back of the last chalan entered in the Pass Book (Form No. 14), in order to avoid the separate chalan which otherwise would be required by the Treasury Officer.

*Courts not near Treasuries.*

**56**. At out-stations the Cash Book shall be balanced as prescribed above, and the balances, both that of the receipts and payments under heads (*a*) to (*f*), and that of peremptory transactions, shall be carried forward to the next day's account. The accounts shall be balanced, compared, and signed every day in the manner prescribed in rule 53, save that, instead of comparing the treasury Pass Book with the accounts, the Judge in charge shall see that the court balances are brought

forward, and shall at least once a week ascertain that the money is actually in possession of the cashier.

*Periodical Remittance.*

**57**. On the last day of the month, and from time to time as provided by rule 13, the treasury Pass Book shall be made up, showing all receipts and payments at the court since the last remittance to the treasury. Its accuracy having been tested, it shall be forwarded to the treasury with all chalans and payment orders. If the receipts have exceeded the payments, the cash excess shall be sent to the treasury; if the contrary, the cash deficit shall be received from the treasury: in either case the cashier will have, after the completion of the transaction, in addition to the balance of peremptory cash transactions, only the Permanent Advance allowed to the court for carrying on its payments at a distance from the treasury.

*Adjustment with Treasury.*

**58**. The last day for remittance in each month must be so fixed that the final payment or receipt of money at the treasury may just come within the month's accounts at the treasury or sub-treasury (see rule 71), as otherwise the monthly accounts of the Judge in charge and those of the treasury will not agree. Any transactions at the court after this remittance is made, although shown under their proper dates, should be treated as if they belonged to the ensuing month's accounts, registers, and returns.

*Rules regarding Remittances.*

**59**. It is the duty of the Judge in charge to see that money remitted from his Court actually reaches the treasury, and is acknowledged by the Treasury Officer in the Pass Book.

**60**. In making such remittances, the Police Rules as to sending an escort with the money must be duly observed.

**61**. During the absence on tour of Sub-divisional Officers, and the consequent closing of their treasuries. Munsifs must be guided by the preceding rules applicable to officers at stations where there are no treasuries, and must make remittances of surplus cash, if necessary, to the district treasury. They will take advantage of the periodical return of Sub-divisional Officers to head-quarters to reduce the cash balances in their hands as much as possible, due regard being had to their probable requirements.

*Treasury Advice List.*

**62**. At the close of business each day the Treasury Officer, whether Sudder or Sub-divisional, shall prepare Advice Lists, in Form No. 15, of all such chalans and payment orders of each Judge in charge as have been brought upon the treasury accounts in the course of the day, and shall forward them to such Judges in charge respectively. In these lists shall be entered in detail such chalans and payment orders as have been received or paid at the treasury or sub-treasury in cash, while those brought into the treasury account from the Pass Book (rule 55) shall be included in a single total on each side, with the description "as per your Pass Book dated——."

If the District Magistrate's court is close to the treasury, so that the Magistrate's registers referred to in rule 64 can be sent daily to be compared and initialed by the Treasury Officer, this procedure may be adopted in lieu of the daily Advice List, if found more convenient.

**63**. The list prepared at the sudder treasury for the District Judge shall include, besides the moneys

received and paid on account of the Judge's own court, those transactions also which belong to his subordinate courts. These amounts, however, need not be entered in detail, but may be included in a single total of receipts and of payments for each court, including Pass Book transactions brought into account.

*Comparison by Judge.*

**64.** On receipt of this Advice List the Judge in charge shall cause the particulars of the chalans and payment orders shown in it to be compared with the details recorded in his Registers of Chalans and Payment Orders (Forms 2 and 13), and shall further cause the date of actual credit and payment, as certified by the Treasury Officer, to be entered in the column prescribed for that purpose.

**65.** These entries must be initialed by the Judge in charge when he checks the posting in the Deposit Registers, as prescribed in rule 68 below.

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## SECTION VI.—DEPOSIT REGISTERS.

*Separation of Petty Deposits* . 66
*Posting* . . . . . 67
*Registers of Receipts* . . . 68
*Notes of Claims* . . . 69
*Register of Repayments* . 70
*Closing for the month* . . 71

*Separation of Petty Deposits.*

**66.** Two Registers of Deposit Receipts shall be kept in Form No. 16, and two of Deposit Repayments in Form No. 17. One of these shall be termed the Register of A Deposits, and there shall be entered therein all deposits originally exceeding Rs. 5. The other shall be termed the Register of B Deposits, and there shall be entered therein all deposits not originally exceeding Rs. 5. Both Registers shall be kept in the same form and

shall be posted in the same manner, but with separate series of numbers (see next rule), distinguished by the initial letters A and B respectively.

*Posting.*

**67.** As soon as the treasury Advice List is received (rule 62), the Deposit Register will be posted in the following manner for the date to which it refers. In the first place, all cash transactions in court on that date shall be posted, the receipts being copied from the Register of Chalans (column 5), and the payments from the Register of Payment Orders (column 5). Transactions at the treasury shall then be written up from the Advice List, the entries in this list being compared with those in Registers 2 and 13.

*Registers of Receipts.*

**68.** All items of deposit in these Registers must, as directed above, be numbered in an annual consecutive series of numbers commencing on 1st April, and ending with the last day of March in each official year. Only the first eight columns shall be filled in at first, the other columns being intended for the record of subsequent repayments.

*Notes of Claims, &c.*

**69.** As it is important that the Deposit Registers in the accountant's department should set forth in respect of each item all information necessary in order to deal at once with applications to draw money, all attachment processes and transfer orders relating to decrees, and all orders as to the substitution of parties which affect decretal and other moneys in deposit, shall be noted at the time in the Deposit Register. The Sarrish-

tadar or some other specified subordinate under his supervision shall be made responsible for this duty.

Whether the Sarrishtadar's responsibility is or is not to end with the communication to the accountant or accountant's mohurir is a matter left to the discretion of each Court; but some specific order should be recorded.

*Registers of Repayments.*

**70.** The Registers of Deposit Repayments (Form 17) shall be posted from the treasury Advice List and the Payment Order Registers, as directed above.

*Closing for the Month.*

**71.** The Registers of Deposit Receipts and Deposit Repayments in courts at a sudder station shall be totalled and closed on the last day of each month upon which the sudder treasury remains open, and in sub-divisional stations on the day on which the accounts of the sub-divisional treasury are finally closed for the month in such a way that the period and the transactions included in the court's books and returns may correspond exactly with those included in the treasury books and returns.

Care must be taken to make the final remittance to the treasury in such time that it may be entered in the accounts of the treasury for the month to which it belongs.

In each of the Registers of Deposit Receipts prescribed by rule 66, a plus and minus memorandum must be drawn up at the end of the month's entries in the following form :—

| | |
|---|---|
| Balance of Deposits from last month . | Rs. |
| Received during the month, as per Register | ,, |
| TOTAL . | Rs. |
| Repayment, as per Register . . . | ,, |
| Balance of Deposits at end of month . | Rs. |

## SECTION VII.—CONTROL OVER SUBORDINATE COURTS.

*Responsibility* . . . . 72
*Daily Returns* . . . . 73-74
*Verification by Judge in charge* . . . . . 75
*Examination by Judge* . 76
*Register of Totals* . . . 77-78
*Posting Repayments* . . 79
*Monthly Return* . . . 80
*Plus and Minus Memo.* . 81
*Examination by District Judge* . . . . . 82
*Posting Receipts* . . . 83-84

### *Responsibility.*

**72.** Every Judge is responsible for all payments of deposits made on his certificate or under his orders. In the case of receipts and payments of petty or B deposits, no detailed check is exercised over his proceedings, the accounts which he is required to render of these showing totals only. In the case of A deposits, however, all sums received, and not paid out during the month in which they have been received, and the balance of such of these deposits as have been partly paid out, must be reported to the District Judge, and must be included in that officer's accounts, and in his return to the Accountant General.

### *Daily Return of Subordinate Courts.*

**73.** Every day after the treasury Advice has been received, and the Deposit and other Registers have been written up and checked with it, two statements showing the transactions of the date to which it refers shall be prepared by the Judge in charge and forwarded to the District Judge. The first of these statements (Form No. 18) shall show the total amount of the entries in the Deposit Registers and the totals of all other transactions brought on the Registers (see rules 108, 109). The second shall be an extract from part I of the Register of Deposits Repaid (Form 17), giving the particulars of repayments on account of deposits re-

ceived during previous months.. At the foot of the first statement the Judge in charge shall certify that his Registers of B Deposits are written up to date and are in order.

It will be observed that these returns are intended to exhibit *actual* receipts and payments, and that they are, therefore, to be compiled from the Deposit Register, and not from the Registers of Chalans and Payment Orders.

**74.** At out-stations some delay in submitting the daily returns is unavoidable, but this delay should not exceed the time necessary for the treasury Advice List to reach the court. The date on which the returns are actually signed should be noted on them by the Judge in charge.

*Verification by Judge in charge.*

**75.** At the time of signing the returns, the Judge in charge should have before him the Registers of Chalans and Payment Orders, the Registers of Receipts and Payments of Deposits, and the treasury Advice List; and after comparison he should attest the entries in column 8 of Registers 2 and 13 by placing his initials in column 9, and the entries in the Registers of Deposit Receipts and Payments by placing his initials in columns 7 and 13 respectively.

*Examination by District Judge.*

**76.** The statements furnished by the subordinate courts shall, when received in the District Judge's office, be compared with the corresponding Advice Lists supplied to him by the Treasury Officers under rule 63. In the case of out-stations the totals for the whole month supplied by the Judge in charge must agree with the totals for the whole month supplied by the Treasury Officer, if only attention have been paid to the rules regarding periodical remittances. In the course of the

month the former totals will ordinarily exceed the latter, and the difference must be taken to represent cash transactions advised by the court, but not yet brought on the treasury books. In the case of courts near treasuries, no such discrepancies should occur if the rules are properly observed. When any such are noticed, immediate steps must be taken under the District Judge's orders to reconcile them.

*Judge's Register of Totals.*

**77.** After examination, the totals of deposits received and paid shall be posted into a Register to be kept by the District Judge in Form No. 19. This Register contains two sets of columns, one set relating to A deposits, and the other to B deposits. Separate portions of the Register for the month must be allotted to each subordinate court; that is, for each subordinate court a number of pages, according to the probable work, must be assigned in the leaves devoted to that particular month. The entries in respect of each subordinate court will thus come continuously and in order of date, and they must be totalled at the end of the month.

**78.** In the portion of the Register which relates to B deposits, a column has been provided for a daily balance, which must be struck by adding together the preceding day's balance and receipts, and deducting the payments. The object of the daily balance is to afford the District Judge a ready means of controlling subordinate courts in the receipt and payment of small deposits, as any excess of payments over receipts will be at once detected.

*Posting Repayments of A Deposits.*

**79.** Taking up next the detailed Daily Register of Deposits Repaid (Form No. 17), the repayments must be

posted against the corresponding entries in the Judge's Daily Register of Deposits Received (Form No. 16), and must be initialed by the District Judge, or under his orders by the Chief Ministerial Officer of his Court, in the same manner as repayments authorized by himself. They must also, at the same time, be copied into his Register of Deposit Repayments (Form No. 17).

As each payment is noted in the Judge's Register, the district number (rule 83) against which the payment is charged must be noted in the subordinate court's return.

In noting the repayments care should be taken to see that the amounts thus reported as repaid are actually repayable, and that amounts which should be credited to Government are not repaid to individuals.

*Monthly Return.*

**80.** (*a*) At the end of the month there shall be furnished by the subordinate courts to the District Judge a statement of all A deposits received, but not wholly repaid during the month. This statement will be an extract from the Register of Deposit Receipts (Form No. 16), omitting the items which have been wholly repaid during the same month. Of deposits received and partially repaid in the same month, the unpaid balance only is to be shown in this statement. The dates of despatch from the subordinate court and of receipt by the district court shall be noted on this statement.

*Explanation.*—An A deposit, the balance of which has been reduced below Rs. 5 by a payment made in the same month, is to be included among the A, and not among the B deposits.

(*b*) On the 31st March of each year the subordinate courts shall, in addition, submit to the District Court a

certificate that all uncashed orders to be cancelled under rule 42 (*b*) have been marked off in their Registers.

*Plus and Minus Memorandum.*

**81.** There shall be appended to the monthly statement of deposit receipts a plus and minus memorandum in the following form:—

| | | Rs. |
|---|---|---|
| Balance of last month . . . . . | | |
| Amount of A Deposits received during the month. | Repaid during the month | |
| | Not repaid ditto . | |
| Amount of B Deposits received during the month . | | |
| | Total . | |
| Amount of A Deposits repaid during the month. | Received during the month | |
| | Received during previous month . . . . | |
| Amount of B Deposits repaid during the month . | | |
| Balance of Deposits outstanding . . | | |

CERTIFICATE.

Certified that, on a comparison of treasury Advices with postings therefrom in the Registers of Chalans, of Payment Orders, of Deposit Receipts, and of Miscellaneous Receipts, the amounts entered above as received and paid are correct.

*Examination by District Judge.*

**82.** On receipt of the monthly statement and the plus and minus memorandum, the Register (Form No. 19) shall be compared therewith. First, as regards A deposits, the total of the column headed "Repaid on account of current month" should agree with the amount shown in the plus and minus memorandum; and when this amount is deducted from the total of the column headed "Total amount received," the balance ought to agree exactly with the total of the Statement of Outstanding

A deposits received from the court to which the figures relate. Second, as regards B deposits, the balance itself can be tested in detail only once a year, when the yearly statement under rule 92 is received; but every month the difference between the opening and the closing balance should be equal to the difference between the receipts and payments reported in the plus and minus memorandum.

### *Posting Receipts of A Deposits.*

**83.** The figures in the subordinate court's monthly detailed statement of A deposits received shall be entered by the District Judge in his own Register of Deposits Received, and shall be numbered in continuation of his own series, their original numbers being also noted below the district numbers for subsequent reference.

The Judge should examine the receipts, so as to see that no item has been improperly held in deposit; and if he finds amounts so held which should be credited to Government, he should direct the subordinate court accordingly.

**84.** The District Judge's Registers of Deposits exceeding Rs. 5 received and repaid thus include each month not only those of his own court, but also of all subordinate courts, excepting only the sums received and repaid in such courts during the same month.

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## SECTION VIII.—DISTRICT MONTHLY RETURNS.

| | | | |
|---|---|---|---|
| *Deposits received* . . . | 85 | *Plus and Minus Memo.* | 87 |
| *Deposits repaid* . . . | 86 | | |

### *Returns of Deposits Received.*

**85.** On the 12th of each month, an Extract Register of Deposit Receipts exceeding Rs. 5 shall be prepared by the District Judge in Form No. 20, and forwarded to

the Treasury Officer for transmission, after comparison with his cash accounts, to the Accountant General. This Extract Register will be a copy of the entries made during the month in his Register (Form No. 16), and will contain all such items of more than Rs. 5 each as were deposited in his own court and in courts subordinate to him, omitting all those which were wholly repaid during the month, and showing, in the case of those partially repaid during the month, the unpaid balance only. At the foot of this Register, deposits received and repaid during the month, and deposits received for sums of Rs. 5 each and less, are to be shown in totals without details. This Extract Register should be despatched punctually on the 12th of the month, unless in the case of the larger districts a later date is fixed.

*Returns of Deposits Repaid.*

**86.** A monthly extract from his Register of Deposit Payments (Form No. 17) of sums above Rs. 5 shall be forwarded in the same form by the Judge to the Treasury Officer for transmission, after comparison with his lists of payments, to the Accountant General. The District Judge shall include in this extract (1) the details of repayments on account of deposits of previous months, whether made in his own court or entered by him from the statements of subordinate courts (rule 79); (2) a single total of the repayments of the current month's deposits, whether made at the district or subordinate court, which must agree with the total of receipts on the same account; (3) the total of the repayments on account of deposits of Rs. 5 and less.

*Plus and Minus Memorandum.*

**87.** A plus and minus memorandum in the form prescribed in rule 81, but including the figures of the

subordinate courts, as well as those of the District Judge's own court, shall be appended to the Statement of Deposit Receipts.

This plus and minus memorandum is to show as repayments the actual repayments at the treasury, and is further to show the treasury balance outstanding.

It will be found convenient to keep in a separate register a copy of this plus and minus memorandum, with further memoranda of the details from which the figures have been arrived at. It is important that there should be no difficulty at any time in reconciling the figures of the court with those of the treasury.

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## SECTION IX.—ANNUAL ACCOUNT PARTICULARS.

*Account Particulars* . . 88-89
*Subordinate Courts* . . . 90
*District Judge* . . . . 91
*Verification of Petty Deposit Balance* . 92-94

### *Account Particulars.*

**88.** At the end of each year the Registers of A deposits received in the next preceding year shall be closed by transcribing into the last column, headed "Transferred to Account Particulars," every balance which exceeds Rs. 5. An annual Account Particulars shall then be drawn up in Form No. 20 with the alterations noted below, showing all these balances against their original numbers—showing, in other words, all the unpaid balances of A deposits of the preceding account year next but one. For example, the Account Particulars of April 1880 will show all unpaid balances of A deposits received in 1878-79.

Of balances which do not exceed Rs. 5, a separate list shall be made out under rule 95 below.

The changes necessary to adapt Form No. 20 for use as an Account Particulars are as follow :—

*Account Particulars of Deposits received by the of in 187 -7 , still outstanding on 1st April 187*

In column 6, for *amount* substitute *balance of each deposit.*

In column 7, for *in the year of receipt* substitute *in the second year after receipt ;* for *in the following year* substitute *in the third year after receipt.*

In the last column, for *transferred to Account Particulars* substitute *lapsed and credited to Government.*

**89.** The items in this account having been carefully compared with the corresponding balances in the original Register of Deposits Received (Form No. 16), the last-named document shall be laid aside, and future repayments recorded only on the Account Particulars.

If against any of the items transferred to Account Particulars a repayment order has been issued and cancelled under rule 42 (*b*), a note to that effect must be made in the Account Particulars, so that, if application for repayment is again made, an order may not be issued without recalling the original cancelled one.

### *Return by Subordinate Courts.*

**90.** A copy of the Account Particulars shall be sent by the subordinate courts to the District Judge, and by him carefully compared with the entries in his Register of Receipts. Any discrepancies found must be investigated and corrected.

### *Return by District Judge.*

**91.** The Account Particulars of the District Judge necessarily includes the items in the several Account Particulars of the subordinate courts, and a copy of it shall be sent to the Accountant General. The due date for its despatch shall be the 30th April, by which time the Judge should have received and compared the Account Particulars of his subordinate courts.

*Verification of Petty Deposit Balance.*

**92.** In order to verify the balance of B deposits, each court shall make a list of the unpaid balances of receipts of the past twelve months, and, by actual summation of these balances, find the total amount outstanding on account of the past year's deposits. Each court is required to submit, along with the Account Particulars of A Deposits, a certificate that the balance of B Deposits of the past year has been found by actual summation to be Rs. .

**93.** The balance found under the last rule, together with the total of the list prepared under rule 95 (2), must equal the total balance of petty deposits on March 31st, and must be so verified—

(1) by each court with the forward balance in the plus and minus memorandum.

(2) by the District Judge with the balances of the subordinate court brought forward in the Register No. 19.

**94.** The District Judge, having verified the balance certificates of the subordinate courts, shall endorse each with the certificate "Examined and found correct," and shall certify the fact of having done so upon the Lists of Lapsed Deposits sent to the Accountant General under the next rule.

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SECTION X.—LAPSE OF DEPOSITS.

*Lapse of Deposits* . . 95 | *Correction of Balance* . . 97
*Lists* . . . . . 96 | *Refunds* . . . . . 98-99

*Lapse of Deposits.*

**95.** On 31st March of each year the following unpaid balances of deposits lapse to Government, and are

to be so written off in the Account Particulars and Registers of Receipts respectively:—

(1) of A deposits, *first*, all balances of deposits of the last account year but one which do not exceed Rs. 5, and are therefore not carried forward under rule 88 into the Account Particulars; these balances should be marked "Lapsed" in the Register of Receipts: *secondly*, all balances of deposits outstanding over three complete years,—that is, all balances in the Account Particulars prepared two years before; these are to be marked off in the last column of the Account Particulars.

(2) of B deposits, the balances of all deposits outstanding over one complete year,—that is, the balances which in the case of deposits over Rs. 5 are transferred to Account Particulars under rule 88; these are to be marked off in the last column of the Registers of Receipts.

[*Example.*—The balances which lapse on 31st March 1880 are—

(*a*) all balances not exceeding Rs. 5 of A deposits received in 1878-79.

(*b*) all balances of A deposits received in 1876-77.

(*c*) all balances of B deposits received in 1878-79.

### *Lists of Lapsed Deposits.*

**96.** Three lists of the balances to be written off shall be prepared in Form 21, one for each of the three classes (*a*), (*b*) and (*c*), specified in the *Example* under rule 95. These Lists shall be submitted along with the Account Particulars. Those of the subordinate courts must be compared by the District Judge with his own Registers, and discrepancies, if found, must be reconciled. Those of the District Judge must include, under the District Judge's numbers, the lapsed balances of A deposits of the subordinate courts.

As regards B deposits, the Lists received from the subordinate courts must be copied into the District Judge's List, with a separate total for each court, the originals being filed for future reference.

The note under rule 89 applies to these Lists of Lapsed Deposits also.

*Correction of Balance.*

**97.** These Lists must be submitted during all April, and the totals thereof must be deducted by a separate entry from the plus and minus memorandum drawn up at the end of April, so that the plus and minus memorandum may show only the balance actually outstanding upon the Registers of the court concerned.

*Refund of Lapsed Deposits.*

**98.** When payment of a deposit lapsed under rule 95 is required by a person entitled thereto, application shall be made through the District Judge, who shall examine the claim, and, if he find it correct, shall forward an application in Form No. 9 to the Accountant General. Several deposit numbers may be included in a single application, if they are payable to the same person. The Accountant General's letter of authority, when received, shall be noted against the items in the Account Particulars (or original Register in the case of a B deposit), so as to prevent a second application. This letter shall then be passed for payment at the treasury, as prescribed in the form. No other record of these refunds is necessary; and such payments are not to be shown in the plus and minus memorandum.

**99.** If the letter of authority received from the Accountant General is not claimed by the payee within

twelve months from the date thereof, it shall be returned to that officer.

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## SECTION XI.—MISCELLANEOUS RECEIPTS.

*Fines* . . . . . *100–101*
*Registers* . . . . . *102*
*Credits to Government* . . *103*
*Rules regarding Receipts* *104–107*
*Control* . . . . . *108*
*Monthly Return* . . . . *109*

### *Fines.*

**100.** The procedure for Magistrates' courts in respect of the realization of fines is prescribed by the orders of the Bengal Government published in March 1867 and May 1876, and produced in Appendix C annexed to these rules. The rules of the Account Code, which prescribe a monthly statement to be sent by Subordinate Magistrates to the District Magistrate, and by the District Magistrate to the Accountant General, are also reproduced in the same Appendix.

**101.** When a fine is paid into a Civil Court, the receipt shall be dealt with under the next following rule.

### *Registers.*

**102.** Every Judge in charge shall maintain (1) a Register of Judicial Fines in Form 22; (2) a Register of Stamp Duty and Penalties in Form 23; (3) a Register of the Refund of the value of Court-fee Stamps in Form 24; and (4) a Register of Miscellaneous Receipts in Form 25. In the 1st, 2nd, and 4th of these Registers, all receipts are to be posted which do not come under head (*a*) (Deposits) or head (*b*) (Peremptory Receipts) of rule 5. The entries shall be made and checked in the same way as the entries in the Register of Deposit Receipts of the subordinate courts. The amount of petty receipts under head (*f*) are to be shown only in a single total for each day.

It is not necessary to maintain in Magistrates' courts the Fine Register here prescribed, as another Register is prescribed by rule 100.

*Credits to Government.*

**103.** It is the duty of every Judge to see that sums which are in deposit, but which under any rule or law are forfeited, or become the property of Government (*e. g.*, earnest-money forfeited, or intestate property unclaimed), are duly credited to Government. In every such case there shall be prepared simultaneously (1) a payment order addressed to the cashier and directing payment of the deposit "by transfer as per chalan No. of this date," and (2) a chalan crediting it to the proper head. Such payment order and chalan shall be registered and dealt with in every way as if cash were paid out of, and received into Court.

*Rules for Miscellaneous Receipts.*

**104.** With regard to stamp penalties, attention should be given to sections 34, 39, and the other sections in Chapter IV of the Indian Stamp Act (I of 1879). The penalty and the duty must always be separately credited. Form 10 shall be used for Certificates for Refund.

**105.** With regard to unclaimed property of intestates or others, it will be seen from the form that Register No. 25 deals only with receipts under this head which have remained in deposit for the prescribed period. A Register showing the property in detail must be kept in Civil Courts in Form No. 26, and in Criminal Courts in the form prescribed in the rules for Court Inspectors.

**106.** Under head (*e*) (Miscellaneous) of rule 5 shall be comprised all receipts not falling within any of the other principal heads of receipt; *e. g.*, forfeiture of earnest-money, &c., sale proceeds of old stores or furniture, &c.

**107.** Receipts under the head of account mentioned in rule 106 are at once credited at the treasury to Government. They are not to be retained intermediately in deposit either at the court or at the treasury.

*Control of Subordinate Courts.*

**108.** The miscellaneous receipts of subordinate courts are included in the Daily Statement sent to the District Judge under rule 73, and are also included in the Daily Advice from the treasury received by the District Judge under rule 63. The Judge must effect a comparison between these two, and see that in each month the total amount advised as paid into the treasury agrees with the total amount realized by the subordinate courts.

*Mont!ly Returns.*

**109.** At the close of the month every Judge in charge shall prepare Lists in Forms 22, 23, and 25 of all the miscellaneous receipts, &c., paid by him into the treasury. Subordinate courts shall forward their Lists in duplicate to the District Judge, and the District Judge shall add the totals of these Lists at the foot of his own List, and, appending one of the copies received by him from each subordinate court, shall forward the whole to the Accountant General for check against the treasury accounts.

So far as regards fines in Magistrates' courts, this is done under a separate set of rules, quoted in Appendix C.

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## SECTION XII.—MISCELLANEOUS RULES.

*Accountant and Cashier* . 110
*Language* . . . . . 111
*Forms* . . . . . 112
*Daily Accounts* . . . . 113

*Accountant and Cashier.*

**110.** In carrying out these rules, care must be taken by all judicial officers that in respect of cash

transactions in court distinct officers are employed as Accountant and Cashier. In other words, the same officer shall not keep the Registers of Chalans and Payment Orders, Deposit Registers, &c., and also receive and pay the money.

*Language of Record.*

**111.** Judges who are acquainted with English, and have a clerk acquainted with English, should keep their accounts in English. Those who cannot do so must keep their books and submit their accounts in the vernacular. In either case, it must be distinctly recorded by each Judicial Officer whether the Sarrishtadar is or is not responsible for a general control and supervision over the Accountant.

*Forms.*

**112.** The whole of the necessary forms and account books are to be obtained through the Superintendent of Stationery, and each court is responsible for maintaining a proper printed stock of all the forms herein prescribed, and for submitting timely indents according to the rules in force from time to time. The. forms intended for non-English offices shall be printed in biglot form, with English and Bengali, or English and Hindi headings. Manuscript forms are prohibited.

*Daily Examination of Accounts.*

**113.** The Accounts and Registers, of which a list is given in Appendix A, must be compared daily by the Judge in charge; and this rule is on no account to be neglected, as its observance is essential to the integrity of the transactions and the correctness of the books. The notes at foot of the forms indicate how the verification is to be made.

## Form No. I.

### CHALAN.

*Part I.—To be filled in at Court by the Payer.*

| Name of person or persons on whose behalf the money is tendered | Name of person or persons to whose credit the amount is to be placed in the Court's book. | No. of suit or date of judicial decree or order (if any) under which the amount is tendered. | Particular of receipt | Amount tendered. | (Remarks if any.) |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

*Signature of Chief Ministerial Officer.*

*Signature of person tendering the money.*

*Part II.—To be filled in by the Court or under its orders.*

| Registered number (1) | Registered date. (1) | Account to be credited, whether civil suit deposits, fines or forfeitures, stamp duty and penalties, or miscellaneous or petty receipts. | (1) As per Court's Chalan Register (Form No. 2). |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| | | | |

*Signature of Accountant.*

To

Receive and credit the above sum if tendered to you before 3 P.M. to-day/morrow.

*Dated* *Signature of Judge in charge.*

*Part III.—To be filled in at Court by Cashier, or at Treasury by Treasury Officer.*

| | | | | |
|---|---|---|---|---|
| Received notes (1) . . . . . | | | | (1) Enter here Nos. of the notes. |
| Received Silver and Copper . . . | | | | |
| RECEIVED TOTAL RS. | | | | |

*Cashier of Court or of the Treasury.*

*Accountant of the Treasury.*

(2) Examined and entered in the books of the Treasury on the

(2) *Signature of Treasury Officer.*

*N.B.*—This form is furnished in duplicate free of cost.

(2) To be filled in only when presented at Treasury.

## Form No. 2.

*Register of Chalans for money tendered in the Court of in the month of 188*

| Date. | Consecutive number of items in chalans. | From whom received. | Nature of receipt, with name of payee (if any). Particulars. | Amount received in | | Initials of Judge in charge. | Date of credit in the Collector's account. | Initials of Judge in charge. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Court. (1) | Treasury. (1) | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

After receipt of the treasury Advice for the last day of the month, the monthly totals of this Register shall be compared with the monthly totals of the several separate Registers of Receipts kept by the Accountant. The difference, if any, will be due to chalans issued, but not presented in time to the treasury, and the amount of such must be written off.

(1) This column should be totalled and compared with the figures in the debtor side of the General Cash Book.

## Form No. 3.

*Register of Chalans for Petty Payments made into the Court of the _____ at _____ to the credit of Government.*

| Date. | No. | | Rs. | A. | P. | Date. | No. | | Rs. | A. | P. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | |
| | | | | | | Date. | No. | | Rs. | A | P. |
| | | | | | | | | | | | |
| | | | | | | Date. | No. | | Rs. | A | P. |
| | | | | | | | | | | | |
| | | | | | | Date. | No. | | Rs. | A. | P. |
| | | | | | | | | | | | |

**Form No. 4.**

*Cashier's Receipt for Peremptory Cash Receipts.*

No. DATED

No. _____

*Received from* _____

*Dated* _____

*the sum of*

*Name of Payer* _____

*Rs.*

*On what account* _____

*(Signed)*

*Cashier of the Court of the*

*at*

*Amount* _____

Form No. 5.

PEREMPTORY CASH BOOK.

Dr. | Cr.

| Date of receipt. | From whom received. | Particulars. | On account of | | | | | Total. | Date of payment. | To whom paid. | Particulars | On account of | | | | | Total. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Witnesses' expenses. | Prisoners' diet. | Ameen's travelling allowance. | &c. | | | | | | Witnesses' expenses. | Prisoners' diet. | Ameen's travelling allowance. | &c. | | |
| | | | | | | | | | | | | | | | | | |

## Form No. 6.

### GENERAL CASH BOOK.

DR. CR.

| Date of Receipt. | Number of | | From whom received. | Amount received. | | Date of payment. | Number of payment order. | To whom paid. | Amount paid. |
|---|---|---|---|---|---|---|---|---|---|
| | Chalan. | Payment slip. | | Petty receipts. | Other receipts. | | | | |
| | | | | | | | | | |

## Form No. 7.

### PAYMENT ORDER.

*Part I.—Application for Payment of Judicial Deposits (to be filled in by the Applicant).*

| Name of Applicant, &c. | Date and purport of the Court's decree or order. | Names of the parties in the case and number of the suit. | Date of deposit. | Amount to be paid. | REMARKS. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | |

*Date* *Signature of Applicant.*

Examined and found correct.

*Signature of chief Ministerial Officer.* *Signature of Presiding Officer.*

*Part II.—To be filled in by the Court or under its orders.*

| Serial number of application, and date of filing. | | Court's chalan number and chalan date of the original deposit from which the payment is sought. | | Court's number and date of the original deposit. [1] | | Amount in deposit. [1] | At whose credit in deposit. [1] | |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
| | | | | | | | | [1] As per Court's Register of Deposits Received (Form No. 16). |

*To the* $\frac{\textit{Officer in charge of the Treasury at}}{\textit{Cashier of the Court}}$

Please pay as above to or order Rupees [2]

*Signature of Court's Accountant.* *Signature of Judge in charge.*

This order is not payable more than ten days after date without a renewal enfacement by the court, and it absolutely lapses and ceases to have effect on the 31st March next.

Payee is hereby to take notice that after tender and payment of this order the Treasury Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of this document until it is cashed.

[2] Words and figures.

*Part III.—To be filled in at Treasury (or at Court if payable there).*

Received contents, Rupees

Stamp of one anna if for more than Rs 20

*Payee's signature.*

*Signature of Disbursing Cashier.*

*The* *188*

Examined and entered.

*Accountant.*

## Form No. 8.

### PAYMENT ORDER.

*Part I.—Application for Payment of Rent Deposit (to be filled in by the Applicant).*

| Name of Applicant. | Number and date of deposit. | Amount to be paid. |
|---|---|---|
| 1 | 2 | 3 |
| | | |

*Date* *Signature of Applicant.*

Examined and found correct.

*Signature of chief Ministerial Officer.* *Signature of Presiding Officer.*

*Part II.—To be filled in by the Court or under its orders.*

| Serial number of application, and date of filing. | | Court's chalan number and chalan date of the original deposit from which the payment is sought. | | Court's number and date of the original deposit [1] | | Amount in deposit. [1] | At whose credit in deposit. [1] | |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | |
| | | | | | | | | [1] As per Court's Register of Deposits Received (Form No. 4). |

*To the* *Officer in charge of the Treasury at* / *Cashier of the Court*

Please pay as above to or order Rupees [2]

*Signature of Court's Accountant.* *Signature of Judge in charge.*

This order is not payable more than ten days after date without a renewal enfacement by the court, and it absolutely lapses and ceases to have effect on the 31st March next.

Payee is hereby to take notice that after tender and payment of this order the Treasury Officer will admit no further responsibility. It is the duty of the payee to see to the proper custody of this document until it is cashed.

[2] Words and figures.

*Part III.—To be filled in at Treasury (or at Court if payable there).*

Received contents, Rupees

Stamp of one anna if for more than Rs. 20.

*Payee's signature.*

*Signature of Disbursing Cashier.*

*The* *188*

Examined and entered.

*Accountant.*

**Form No. 9.**

---

No.

FROM

THE OF

TO

THE ACCOUNTANT GENERAL OF

*Dated the* *188*

SIR,

I have the honour to report that claims have been preferred to the deposits of more than three years' standing, as detailed in the margin, aggregating Rupees

2. I have satisfied myself of the validity of the claims, and, with reference to the orders of the Government of India of the 31st March 1865, request your authority for the payment.

I have the honour to be,

SIR,

Your most obedient servant,

*Judge.*

## Form No. 10.

| DISTRICT OF | REFUND OF FINES OR MISCELLANEOUS RECEIPTS | | | | VOUCHER NO. OF LIST OF PAYMENTS FOR 188 . |
|---|---|---|---|---|---|
| HEAD OF SERVICE CHARGEABLE | 3—REFUNDS AND DRAWBACKS. MISCELLANEOUS REFUNDS. LAW AND JUSTICE. FEES, FINES, &c. | | | | |
| NAME OF PAYER. | Amount realised | Date on which remitted to treasury. | NAME OF PAYEE | Amount to be refunded. | AUTHORITY FOR REFUND. |
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | | | | As per annexed attested copy of order of Court. (*Note.*—Copy of the *order* is required; not of the reason for it.) |
| | | | TOTAL RUPEES | | |

*The* *188* Passed for payment. This order of refund has been registered, and no previous order for refund of the same sum has been issued.

*Claimant's*

Pay Rupees Net

Stamp, if required.

*Magistrate or other Officer.*

*The* *188* .

Examined— *Accountant.* *Signature.* *Officer in charge of Treasury.*

*N B.*—This order is not payable more than ten days after date without a renewal enfacement by the court, and it absolutely lapses and ceases to have effect on the 31st March next.

## Form No. 11.

*No.*

| DISTRICT OF . | CERTIFICATE FOR THE REFUND OF THE STAMP FEES LEVIED ON THE PETITION SPECIFIED BELOW. | | | | VOUCHER No OF LIST OF FOR 188 . |
|---|---|---|---|---|---|
| HEAD OF SERVICE CHARGEABLE. | 3.—ALLOWANCES, REFUNDS, AND DRAWBACKS. REVENUE REFUNDS. STAMP DUTY { RAZEENAMAH. RE-TRIAL. | | | | |
| 1 | 2 | 3 | 4 | *5 | 6 |
| Number of suit or petition, and names of the parties. | Value of stamp and description of paper. | Amount of claim in suit. | Names of the parties receiving refunds. | Amount to be refunded. | Under what Act, Section, and Clause the amount is refunded. |
| | | | | | |

*The* 188

*To the Collector of*

Pay Rupees Net

*The* 188

*Claimant's*

*Signature.*

Certified that

or his order is entitled, under the order of this Court, dated the 188 , to the above refund of Rs.

Examined— *Accountant.* *Officer in charge of Treasury.* *Judge.*

## Form No. 12.

*Order of the refund of the value of Court-fee Stamps paid on account of*

TO THE COLLECTOR OF

Pay to _____

the sum of Rupees _____, being the value of Court-fee stamps paid by him on account of _____ _____ the refund of which has been ordered in consequence of _____ as authorized by Circular Order of the High Court, No. 13, dated the 12th May 1874. This order of refund has been registered, and no previous order for refund of the same amount has been issued.

*Signature of Judge in charge.*

*Dated the of 188*

## Form No. 13.

*Register of Payment Orders issued by the* *of*
*in the month of* *188*

| Date. | Consecutive number of payment orders. | To whom paid. | Nature of repayment and number of item in the Register of Receipts against which it is to be taken. | Amount cashed in | | Initials of Judge in charge. | Date of payment by Collector. | Initials of Judge in charge. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | Court [1]. | Treasury [1]. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

[1] This column should be daily totalled and compared with the figures on the creditor side of the General Cash Book.

After the receipt of the treasury Advice for the last day of the month, the monthly totals of this Register should be compared with the monthly totals of the Registers of Repayments of Deposits, and of any refunds of fines or miscellaneous receipts granted. The difference, if any, will be due to orders granted but not cashed, and the amount of those which have lapsed should be written off.

## Form No. 14.

### PASS BOOK.

*The Court of* *in account current with the Treasury*

(Payments and remittances from Courts.)

DR.

| Date of payment. | Court's No. of payment order. | Court's particulars of each payment to public or of remittance at the day's close to the Treasury. | Head of account under which to be scheduled at Treasury. | Amount. | Signature or initials of Treasury Officer. |
|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 |
| | | Total ... | | | |
| | | Total for the day as per receipt side. | | | |

CR.

| Date of receipt. | Court No. of entry in chalan. | Court's particulars of receipt. | Head of account under which to be scheduled at Treasury | Amount. | Signature or initials of Treasury Officer. |
|---|---|---|---|---|---|
| 7 | 8 | 9 | 10 | 11 | 12 |
| | | Total ... | | | |
| | | Total for the day as per payment side. | | | |

## Form No. 15.

*Daily Advice List of Receipts and Payments at the Treasury at on the requisition of the of on the day of 188*

| Court's No. of chalan. | Court's date of chalan. | Detailed heads of Receipts. | | | | | | Total receipts. | Court's No. of the Payment Order. | Court's date of Payment Order. | Detailed Heads of Payments. | | | | Miscellaneous refunds. | Total Payments. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Civil or Criminal Court deposits. | | | | | | | | | Repayments of Civil or Criminal Court deposits. | Refund of Stamp Penalties. | Refund of unclaimed property. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
| | | | | | | | | | | | | | | | | |
| Total receipts and payments at the Treasury . . | | | | | | | | | | | | | | | | |
| Total as per Pass Book dated . . | | | | | | | | | | | | | | | | |
| GRAND TOTAL . | | | | | | | | | | | | | | | | |

## Form No. 16.

(For use in Local Offices only.)

*Court's Daily Register of Judicial Deposits received in Court or advised as having been received in the Treasury in the month of 188 .*

Part I—A Deposits.[1] Part II—B Deposits.[1]

| Date of receipt. | No. of deposit. | No. of chalan. | From whom received | Nature of deposit, with name of payee | Amount of each deposit. | Initials of Judge in charge. | Monthly Total. | Details of Repayment | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | Date. | Amount of each repayment. | Initials of Judge in charge. | Date. | Amount of each repayment. | Initials of Judge in charge. | Date. | Amount of each repayment. | Initials of Judge in charge. | Date. | Amount of each repayment. | Initials of Judge in charge. | Total repayment. | Balance carried to account particulars. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | | | | | | | | | | | | | | | | | | | | |

[1] A separate Register in this form will be maintained for each of these two classes of deposits.
Each entry in this Register should be initialed by the Judge after comparison with the corresponding entries in the Register of Chalans Issued
This form should be used for two years only, after which the unpaid balance should be transferred to the Account Particulars, as stated in rule 88.

## Form No. 17.

*Court's Daily Register of Judicial Deposits repaid at the Treasury of or repaid at the Court and advised to the Treasury during the month of 188 .*

Part I—A Deposits.[1] Part II—B Deposits.[1]

| Details of Deposits. | | | Dates as to present repayment. | | Number of repayment voucher. | To whom repaid. | Whether paid in cash or by transfer. | Amount repaid on account of deposits exceeding Rs 5 each. | | Amount repaid on account of deposits of Rs 5 and less. | Initials of | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Date of receipt. | Number as per Register of Receipts | Amount or balance of deposit. | Date of cashing payment order, whether at Court or at Treasury | Date of granting payment order, as per Court's Register | | | | Received in previous month | Received in current month. | | Accountant. | Judge in charge | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

[1] Separate Registers must be maintained for each of these two classes of deposits
Each entry in this Register should be compared with the corresponding entry in the Register of Payment Orders.

## Form No. 18.

*Subordinate Court's Daily Advice List of Sums received and paid under the orders of the Court of on the day of 188 , being the date of actual receipt or actual disbursement at the Court or at the Treasury.*

[*N.B.*—This statement is to be compiled from Registers 16, 17, 22, 23, 25.]

| Receipts. | | Payments. | |
|---|---|---|---|
| Judicial deposits exceeding Rs. 5 each . . . . . | | Repayment of deposits exceeding Rs. 5 each received in previous months, as per detailed register attached (Form No. ) | |
| Judicial deposits of Rs. 5 and under . . . . . | | | |
| Fines and forfeitures . . | | Repayment of deposits exceeding Rs. 5 each received in current month . . | |
| Stamp duty and penalties . | | | |
| Miscellaneous and petty receipts . . . . . | | Repayment of deposits not exceeding Rs. 5 . . . | |
| TOTAL . . . . | | TOTAL . . . . | |

Certified that this statement has been examined with the Cash Books and Registers of Chalans and Payment Orders, and is correct.

Certified, also, that my Registers of Deposits not exceeding Rs. 5 are written up to date and are in order.

*Subordinate Judge or Munsif.*

*To the District Judge of*

## Form No. 19.

*District Judge's Daily Register of Deposits advised as having been received and repaid under orders of the Subordinate Courts.*

| Date of actual receipt or repayment as advised. | Deposits exceeding in amount Rs 5 each. | | | | Deposits not exceeding Rs 5 | | | Initials of District Judge. |
|---|---|---|---|---|---|---|---|---|
| | Total amount received | Repaid on account of previous months. | Repaid on account of current month. A | Total amount repaid. | Amount received. | Amount repaid. | Daily Balance. B | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |

*N. B.*—The column marked A should be proved monthly by comparing the difference between it and the column "Total amount received" with the Statement of Outstanding Deposits mentioned in paragraph 82. The column marked B should be tested by comparing the balance on the last day of each official year with the list of unpaid deposits mentioned in rule 92.

## Form No 20.

*Extract Register of Receipts of* *Deposits at the* *Treasury in the month of* 188

| Date | No of each deposit. | No of challan. | From whom received.[1] | Nature of each deposit. | Amount of each deposit | DETAIL OF REPAYMENTS TO BE POSTED IN THE ACCOUNTANT GENERAL'S OFFICE — IN THE YEAR OF RECEIPT | | | | | | | | IN THE FOLLOWING YEAR. | | | | | | | | Total repayments | Balance of each deposit transferred to Account Particulars. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | First quarter. | Amount. | Second quarter. | Amount | Third quarter | Amount | Fourth quarter | Amount | First quarter | Amount | Second quarter | Amount | Third quarter | Amount. | Fourth quarter | Amount. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| | | | | Brought forward. | | | | | | | | | | | | | | | | | | | |
| | | | | | | April. | | July. | | Oct. | | Jan. | | April. | | July | | Oct | | Jan. | | | |
| | | | | | | May. | | Aug | | Nov | | Feb | | May | | Aug | | Nov | | Feb | | | |
| | | | | | | June. | | Sept | | Dec | | Mar | | June | | Sept | | Dec | | Mar | | | |
| | | | | | | April | | July | | Oct. | | Jan | | April. | | July | | Oct. | | Jan* | | | |
| | | | | | | Mar | | Aug | | Nov. | | Feb | | May | | Aug | | Nov | | Feb | | | |
| | | | | | | June | | Sept | | Dec. | | Mar | | June | | Sept. | | Dec. | | Mar. | | | |
| | | | | Carried over | | | | | | | | | | | | | | | | | | | |

[1] The name of the person *from* whom, not that of the Officer through whom, the deposit is received, must be given.

## Form No. 21.

*List A of Deposits of to be transferred to credit of Government under orders of Financial Department No. 1506, dated 31st March 1865.*

| Year. | No. | Amount. | | | | Year | No. | Amount. | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | | | 4 | 5 | 6 | 7 | | | 8 |
| | | | | | | | | | | | |

## Form No. 22.

*Register of Fines and Forfeitures realized in the Civil Courts at during the month of 188*

| Consecutive number of entry in this Register. | Date of realization. | Number of chalan. | Date of remittance to Treasury. | Date of order imposing the fine. | Court by which imposed. | Name of offender. | Nature of offence. | Amount.[1] | Initials of the Judge in charge. | Details of any refund. | Initials of Judge in charge. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |

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[1] This column should be compared daily with the corresponding entries in the Register of Chalans

## Form No. 23.

*Register of Stamp Duty and Penalties realized in the Court of the of during the month of 188*

| Consecutive number of entry in this Register. | Date of realization.[1] | Number in chalan.[1] | Date of remittance to Treasury. | Court by which order is passed, and date of order. | Suit. | | Name of party paying the duty and penalty. | Description of instrument and date of execution. | Amount of duty levied.[1] | Amount of penalty levied.[1] | Total. | Initials of the Judge in charge. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Number. | Title. | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |

[1] These columns should be compared daily with the corresponding entries in the Register of Chalans.

## Form No. 24.

*Register of the Refund of the value of Court-fee Stamps.*

| Date of cashing order for refund, whether at the Court or at the Treasury. | Date of granting order of refund as per Court's Register | No. of repayment voucher. | To whom repaid. | No. of suit or appeal in which refund was ordered, and names of parties. | Amount refunded. | INITIALS OF | |
|---|---|---|---|---|---|---|---|
| | | | | | | Accountant. | Judge in charge. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |

## Form No. 25.

*Register of Miscellaneous Receipts in the Court of the* *during the month of* 188

| Consecutive number in this Register. | Date of realization. | Number in chalan. | Date of remittance to Treasury. | From whom received | Detailed Heads. | | | | | | | Total amount realized daily. | Initials of Judge in charge. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Sale proceeds of the unclaimed property of intestates and others credited to Government. | Forfeiture of earnest-money. | | Office receipts (sale of old furniture, &c.) | | Petty receipts. | Miscellaneous items | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | | | | | | | | | | |

*N. B.*—This register should be compared daily with the corresponding entries in the Register of Chalans.

## Form No. 26.

*Register of Intestate Property received in custody by the Nazir of the Court of*

| Consecutive number. | Name, village, caste, and presumed age of the deceased. | Date of death. | Date on which the property was received. | Particulars of property and estimated value of the same. | | Cash. | Date of sale. | Date on which the cash received with property is credited in General Cash Account, with page thereof. | | Date of proclamation. | Amount of proceeds realized by the sale of goods, or of money recovered on bonds or rents, or other income. | | Date on which the sale proceeds or other money recovered or were credited in General Cash Account, with page thereof. | | Total of columns 7 and 13. | Charges to be deducted. | | | Balance how disposed of, being amount of column 16 less column 19. | | | | Date of final disposal, and page of General Cash Book. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | Description of goods. | Value realized. | | | | Detail. | Amount. | Total. | Particulars. | Property and value paid to heirs or other persons. | Paid into the public treasury. | Total. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| | | | | | | | | D. | P. | | | | D. | P. | | | | | | | | | D. | P. |

# APPENDIX A.

*List of Registers.*

| | | | | |
|---|---|---|---|---|
| For all Judicial Officers. | To be kept by the Accountant. | 1 | Register of Chalans . . . . | Form No. 2 |
| | | 2 | „ „ Chalans for Petty Receipts | „ 3 |
| | | 3 | „ „ Payment Orders . . | „ 13 |
| | | 4 | „ „ Judicial Deposits Received. { Part I, „ II } | „ 16 |
| | | 5 | „ „ Judicial Deposits Repaid. { Part I, „ II } | „ 17 |
| | | 6 | „ „ Judicial Fines and Forfeitures. . . | „ 22 |
| | | 7 | „ „ Stamp Duty and Penalties . | „ 23 |
| | | 8 | „ „ Refunds of value of Court Fees | „ 24 |
| | | 9 | „ „ Miscellaneous Receipts . | „ 25 |
| | | 10 | „ „ Treasury Pass Book . . | „ 14 |
| | To be kept by the Cashier. | 1 | Peremptory Cash Book . . . | „ 5 |
| | | 2 | „ General Cash Book . . | „ 6 |
| | | 3 | Counterfoils of Receipts granted . . | „ 4 |
| For District Judges. | To be kept by the Accountant | 10 | Register showing Deposits Received and Repaid by Subordinate Courts . . | „ 19 |

*List of Returns.*

FROM THE SUBORDINATE COURTS TO THE DISTRICT JUDGES.

| | |
|---|---|
| Statement of total Receipts and Payments on account of deposits and other transactions (73) . . . | Daily. |
| Extract Register of Repayments of A Deposits received in previous months (73) . . . . | „ |
| Statement of A Deposits Received, but not repaid, during the month, with *plus* and *minus* memorandum enfaced (80 & 81) . . . . . | Monthly. |
| Statement of Miscellaneous Receipts (108) . . | „ |
| Account Particulars of A deposits (90) . . . | Annually. |
| Lists of Lapsed Deposits (95) . . . . . | „ |
| Certificate of the examination of B deposits . . | „ |

FROM THE DISTRICT JUDGE THROUGH THE TREASURY OFFICER.

Register of Deposit Receipts with *plus* and *minus* memorandum enfaced (85 & 87) . . . . Monthly.
Register of Deposit Repayments (86) . . . ,,
Statements of Miscellaneous Receipts of his court and of the courts subordinate to him (108) . . ,,

FROM THE DISTRICT JUDGE TO THE ACCOUNTANT GENERAL DIRECT.

Account Particulars of A deposits (91) . . . Annually.
Lists of Lapsed Deposits of his court and of the courts subordinate to him, with certificates of the examination of B deposits enfaced (95) . . ,,

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## APPENDIX B.

*Judge's Daily Examination of Accounts.*

(1) TRANSACTIONS AT COURT.

Comparison of cashier's General Cash Book with the Registers of Chalans and Payment Orders.
Comparison of Treasury Pass Book with the Cash Book.

(2) TRANSACTIONS AT TREASURY.

Comparison of treasury Advice with postings therefrom in the Registers of Chalans, of Payment Orders, of Deposit Receipts, and of Miscellaneous Receipts.
Comparison of treasury Advice with treasury Pass Book.

(3) TRANSACTIONS AT SUBORDINATE COURTS.

By subordinate court—Comparison of the Daily Statement with the Registers.
By District Judge—Comparison of treasury Advice with Subordinate Court's Statement.
Comparison of Statement with posting therefrom in the Register Form 19, and Registers of Receipts and Payments of Deposits.

*Judge's Monthly Examination of Accounts.*

1. The proper closing and totalling of all Registers.

2. Comparison of out-going Statements with Office Registers.
3. Comparison of *plus* and *minus* memorandum with totals of Registers.
4. Ascertainment and verification of outstanding Payment Orders.

By District Judge—

5. Comparison of Subordinate Courts' Returns with Register Form 19.

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## APPENDIX C.

### RULES FOR FINES.

*Fine Register.*

1. The only books to be kept are a Fine Register and a Fine Balance Statement.

2. In every sudder or sub-divisional office there shall be kept a register, in Form A, in the hands of the Court Inspector or Sub-Inspector. In this shall be entered, in a consecutive *monthly* series, all fines imposed by any of the magisterial officers of the station, or imposed by Sessions Judges or the High Court, and transferred to the Magistrate for realization. In each court one of the mohurirs shall be especially charged with the duty of looking after the fines or other sentences.

*Procedure on Sentence.*

3. When an offender is sentenced by the Magistrate, a small printed form shall be at once filled in with the particulars, and sent with the prisoner in charge of a constable to the Court Inspector's office.

4. The Court Inspector will then make the necessary entries in his Register of Fines, if fine be part of the sentence, and will call upon the prisoner to pay the amount. If this be done, the necessary entries should be made and the payer released, unless he be also sentenced to imprisonment. If the sentence be one of fine only, and the fine be paid in part, the entries will be made and prisoner released, and application be made by the Court Inspector for a warrant for realization of the balance to the court which passed the sentence. If the sentence be one of fine only, and the

fine be not paid at all, the Court Inspector shall apply for a warrant for the realization of the whole amount. No person, not also under sentence of imprisonment, alternative or otherwise, shall be detained by the Court Inspector on account of inability to pay the fine. Where the sentence is one of fine, but with an alternative sentence of imprisonment on failure to pay the fine, if the fine be not wholly satisfied at once, the Court Inspector shall report to the court which imposed the sentence, and shall take its written orders as to the term of imprisonment, proportional to the amount still unpaid, which, under section 69 of the Indian Penal Code, the convicted person has yet to undergo.

5. Any further payments made during the currency of the term of imprisonment must be at once reported to the Magistrate by the Court Inspector, with a view to the further amendment of the sentence of imprisonment or the release of the prisoner, as the case may be.

*Imprisonment in lieu.*

6. In any case where, under any special or local law, imprisonment in lieu of fine is to be taken as full satisfaction of the penalty if the convicted person elect to undergo the imprisonment, the Court Inspector must bring him at once before the court imposing the sentence, which shall certify to the fact of the election, and the amount of fine shall, if entered, be struck out of the Court Inspector's books. Nothing hereinbefore laid down shall interfere with any special directions of law for the attempted realization of fine by distress or otherwise before carrying out any sentence of imprisonment upon the offender.

*Warrants from other Courts.*

7. When a warrant for realization of a fine is received from the Sessions or any other court not under the control of the Magistrate of the district, the fine shall be entered in the register, and shall be treated in all respects as a fine imposed by the Magistrate of the district, which the offender has declined to pay, and for the realization of which a warrant has issued. But such entries may be conveniently distinguished by having prefixed to them in red ink the letters S. or H. C. (for Sessions or High Court).

*Daily Remittance.*

8. All fines received by the Court Inspector must be paid in by him daily to the treasury. The chalan sent with them should be in detail, and accompanied by the Fine Register, and the treasury mohurir receiving them will check each entry in the chalan by the Register of Fines, putting his initials to each in the proper column of the register.

9. The chalan receipted by the Treasury Officer will be kept filed by the Court Inspector as his acquittance.

*Daily Examination and Inspection.*

10. It shall be the duty of the fine mohurir of each court to examine daily the Court Inspector's register, and to ascertain that each entry is made, and made correctly. He will certify this by his initials in the proper column. He is also responsible for the speedy preparation of warrants. It is the duty of the fine mohurir of the principal court, *i. e.*, the Magistrate's own court at a sudder station, and Sub-divisional Officer's court where there are more than one at a sub-division, to check the Court Inspector's monthly statement and the totals in the cash columns of the register. Each Magistrate should examine the Fine Register daily and check his own fines, signing his initials into each entry. He should see that warrants are issued, and remittances paid and acknowledged without delay.

11. The Magistrate of the district, or officer in charge of a sub-division, should also inspect the register from time to time, watch the action of his subordinates, and check the Court Inspector's totals at the close of each month.

*Remission of Fines.*

12. When any fine or part of a fine is remitted in any month subsequent to that in which it may have been imposed, whether on appeal or otherwise, or becomes irrecoverable in consequence either of the lapse of six years from date of sentence, or imprisonment having been suffered *in lieu* of fine, it shall be entered in the register in red ink under the month in which it is so remitted or lapses, and the amount remitted or lapsing shall be shown in column 8 of the register. When a fine is remitted in the same month in

which it may have been imposed, the entry in column 8 will be made opposite the original entry, and of course in black ink.

*Realization of old Fines.*

13. If a fine be not realized in whole or in part in the month in which it is imposed, the whole fine, or any outstanding balance of it (as the case may be), shall be entered in red ink under the month in which any part of it may be realized, a reference being made in the remarks column to the months and numbers of any former entries of the fine. Similarly, all subsequent realizations of the fine should be entered against the original entry in the remarks column. Subsequent realizations during the same month in which the fine was levied may, of course, appear in black ink in the proper columns opposite the original entry, a total being struck in the body of the page.

*Totalling of Register.*

14. The totals of the red and black ink entries in columns 6, 8, 12, 13 and 14 must, at the close of the month, be found both separately and together on each page, and carried on thus to the end of the month, but no further; *e.g.*—

| | Rs. | A. | P. |
|---|---|---|---|
| Total of black ink entries . . . . . | 22 | 0 | 0 |
| Total of red ink entries . . . . . | 10 | 0 | 0 |
| GRAND TOTAL . . | 32 | 0 | 0 |

*No Payments out of Fines.*

15. If the Court Inspector be required to meet any contingent or other expenses of the court, he must receive special advances for this purpose. The account of these must be kept quite distinct from the fine accounts, and in no case is any disbursement to be made from realized fines in the Court Inspector's hands. Any refunds of fines will be made by the Treasury Officer on the order of the Magistrate.

16. In the same way, when all or any part of the fine is directed to be paid to complainant as compensation, this fact, and the amount awarded, must be noted in red ink in the remarks

column of the register; but after the realization of the fine is reported by the Court Inspector, the disbursement of the compensation will in every case be made from the treasury on the Magistrate's order.. Fines under section 209 of the Criminal Procedure Code will be treated as if imposed in a case instituted on complaint by the original defendant.

*Monthly Balance.*

17. A monthly balance sheet should be prepared in a book kept for the purpose, showing—

Grand balance of fines outstanding . . . .

Amount imposed during month, *i. e.*, total of black ink entries in column 6 . . . . .

Grand Total realizable .

Amount remitted on appeal, &c., or written off by Commissioner's order, *i. e.*, grand total of column 8 .

AMOUNT REALIZED—

Of new fines, *i. e.*, total of black ink entries in column 12 . . . . . .

Of old fines, *i. e.*, total of red ink entries in column 12

Grand Total of column 12 . .

BALANCE—

Of new fines, *i. e.*, total of black ink entries in column 13 . . . . . .

Of old fines, *i. e.*, total of red ink entries in column 13

Grand Total of column 13 .

The grand balance outstanding at close of previous month, less the total of red ink entries in columns 8 and 12, and plus the black ink entries in column 13, will give the grand outstanding balance of the present month.

A certificate to the following effect should be given at foot:—

"Certified that the total of the above realized fines has been brought to credit in the treasury accounts."

*Magistrate.*

*Initials of Treasury Officer.*
" *Court Inspector.*
" *Fine Mohurir.*

18. A copy of each sub-divisional balance sheet must be sent to the Magistrate of the district within two days after the end of the month, and the balance sheet of the sudder station ought to be ready within the same time.

19. A general district balance sheet must be sent to the Commissioner within ten days of the close of the month.

*Registers at Police Stations.*

20. The above would seem to be sufficient check upon the Court Inspector's department if properly carried out. But under the Penal Code fines may be realized any time within six years, or during the term of imprisonment of the offender, if this be more than six years. It is requisite, therefore, that at each thanna a register, in Form B, be kept of all warrants received for realization of fine within its jurisdiction. Whenever a balance is left unrealized, it is the duty of the police to institute periodical inquiries as to the acquisition of property by the defaulter. The fact and result of making these inquiries should be entered in the column of remarks at least once a quarter.

*Police Inquiries and Procedure.*

21. The inquiries should not, in the first instance, be made in any formal or official manner, but the officer in charge of a police station, when visiting villages or receiving reports from rural police, should enquire from time to time verbally as to the position and occupation of any defaulter resident within his jurisdiction. If it shall appear that such defaulter can, in all probability, pay the

amount of fine outstanding against him, the police officer shall forthwith report the matter to the Magistrate having jurisdiction, with a view to the issue of a warrant. In all other cases he will merely note "no assets" in the remarks column, dating the entry.

22. The Magistrate should in every case exercise a sound discretion as to the issuing or refusal of warrants, and may, if he think fit, order a local inquiry to be made by a superior officer of police before granting such.

23. Warrants of this description, subsequent to the first, must be entered in the thanna register in red ink, but be treated as a fresh entry: a reference being made in the remarks column to the year and number of the original warrant.

24. In the event of the death of a defaulter being reported, one final and formal inquiry should be made as to whether he has left *anywhere* any property *of any kind* liable for his debts.

25. All fines realized should be remitted with the returned warrant to the Court Inspector at once.

26. The Magistrate should call for the register of each thanna at least once a quarter, and have it compared with the Court Inspector's register. He should also note that the police inquiries have been regularly made and properly recorded.

*Commissioner's Inspection.*

27. The Commissioner, on his annual tour of inspection, or at such other times as he may deem fit, should examine the Fine Registers and give orders for the writing off of all fines which, in consequence of the death of the defaulter, or of its having been ascertained after repeated inquiry that there are no assets, may be irrecoverable.

A

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Consecutive number in month. | Number of case | Name of officer imposing | Name of offender and offence | Date of sentence | Amount of fine. | Imprisonment in default. | Amount remitted or written off | Date of issue of warrant | Thanas to which issued | Date of return of warrant | Amount realised. | Balance | Amount paid into treasury | Signature of Treasurer | Signature of Court Inspector. | Signature of the Mohurir. | Signature of Magistrate | REMARKS. |

B.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Consecutive number in year. | Number of warrant. | Officer issuing. | Name of offender and offence, and date of sentence. | Amount for which warrant is issued. | Date of warrant. | Date of its receipt. | Date of its return to head-quarters. | Amount realized and remitted. | Date of remittance. | Balance of fine outstanding. | REMARKS. |
| | | | | | | | | | | | |

ADDENDUM TO THE RULES REGARDING THE REALIZATION AND PAYMENT OF JUDICIAL FINES APPROVED OF IN GOVERNMENT ORDERS No. 125T., DATED THE 5TH MAY 1876.

*Warrants from other Districts.*

28. In cases of fines imposed in one district, but realized in another, the following procedure is to be observed :—

29. The court imposing the fine will issue a distress warrant directed to the Magistrate of the district or districts where property of the prisoner is supposed to be. The Magistrate of the district, on receipt of this warrant, will deal with it as if the fine

was imposed in his own district. This warrant shall contain the following particulars: name of prisoner, sentence, date of sentence, name of jail in which the prisoner is confined, name of court issuing the warrant.

*Realizations of other Districts.*

30. The proceeds of all fines so realized will be paid into the local treasury, with the realizations of the court that makes the recovery. The amount should be carefully distinguished from local fines, and will be separately acknowledged by the Treasury Officer. No entry of these fines will be recorded in the Fine Register of the district where the fine was recovered, but the amounts realized must be credited in the cash book of the Court Inspector, and a foot-note made in the fine statement of the total amount realized on account of other districts, the sums relating to each district being carefully distinguished for comparison and check in the Accountant General's Office.

*Communication to Court.*

31. The realizations of all such fines must be immediately communicated to the officer by whom the fine was imposed, by the despatch to him of both the treasury receipt and the warrant. The use of remittance transfer receipts is strictly prohibited. This officer will note the realization in his register of fines, and include the amount in the monthly statement of fines which he renders to the Accountant General, with a note against the item showing into what treasury the amount has been paid, and the date of payment.

32. The fact of recovery will then be reported to the jailor by the officer who imposed the fine.

*Miscellaneous.*

33. All officers receiving and remitting money, from the officer who actually realizes the fine to the officer who finally remits the same to the treasury, are in all cases bound to demand receipts from the payees. The responsibilities of officers remitting money will not cease until acknowledgments of receipts have been duly received.

34. In all cases of communicating the realization of fines by the despatch of the treasury receipt to the district where such fines were imposed, it will be the duty of the Court Inspector to send reminders whenever acknowledgments of receipt of such communication are unduly delayed.

35. All fines, under whatsoever law they may be imposed, are payable only to the court imposing the fine, or the officer entrusted with the warrant for its realization. The receipt of fines by the jailor is unauthorized, and jailors are therefore prohibited from receiving payments on account of fines under any circumstances whatever.

*Civil Account Code, Chapter 10: Fine Returns.*

1. In the case of fines, the duty of checking the receipts is laid upon the Accountant General, to whom a monthly memorandum of all fines realized, and of all remittances of fines to the treasury, should be transmitted by every court having the power to fine.

[Fines imposed after criminal judicial process are credited in the treasury to the head "Law and Justice," except in cases in which a special order of Government directs that fines for any particular class of offences should be made over to a municipality or other body. The fines thus made over to a municipality or other body should be detailed at foot of the monthly statement, a separate total being made of the fines credited to "Law and Justice" for agreement with the treasury account.]

2. In order to secure that returns are received from *every* court having such power, it will be convenient to arrange for their collection by the head of every department in the district (the Collector, the Judge, and the Magistrate), and their transmission by that officer. If it be more convenient for him to embody all in his own return, there is no objection to his doing so; but the collective return must be based on the records or accounts of the courts, and not on those of the treasury, though it should be compared with the treasury figures before being despatched. The best means of ensuring this comparison will be for the court to despatch its return through the Treasury Officer, who will certify to the agreement with his books, or will have the return corrected by the court before he transmits it.

If precautions are at present taken against double refunds of fines, or refunds of fines not actually paid into the treasury, a simple memorandum of the collections of each court, and of its remittances to the treasury for check with the treasury credit, would suffice; in the absence of such precautions, a detailed list of the fines collected and paid into the treasury must be transmitted, in order to facilitate check in case refunds are claimed. The form of the return will be settled by the Accountant General.

If the several courts submit to any controlling officer returns of the fines imposed, the returns of the realizations may with advantage be despatched to the Accountant General under flying seal through the said controlling officer; but if this course be found to cause delay, the Accountant General should instead send the controlling officer a memorandum of the monthly credits which appear in the treasury account.

## AMEENS.

**114.** [*Daily Registers of Receipts and Disbursements on account of Ameens' fees—C. O, No. 11 of 14th March 1874.*]—The accompanying forms of Registers are to be kept up in all Civil Courts subordinate to the High Court. The Register of Receipts has been so framed as to exclude all moneys not due to the employment of Civil Court Ameens, and the Register of Disbursements so as to show only salaries paid and excess payments refunded.

*Register of Receipts on account of Civil Court Ameens. District of*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Date. | Court. | Nature of employment. | Ameen employed. | Time occupied. | Amount. | REMARKS. |
| | | | | | Rs. A. P. | |
| 1st Jan. | Sub-Judge | Local investigation, mouzah Suntoshpore. | Shekh Dilawur | 10 days | 50 0 0 | Rs. 20 refunded. |
| 3rd " | Munsif of Sundip. | Sale of movables. | R. C. Doss | 1 day | 5 0 0 | |

*Register of Expenditure on account of Civil Court Ameens. District of*

| 1 | 2 | 3 | 4 |
|---|---|---|---|
| Date. | Nature of expenditure | Amount. | REMARKS. |
| | | Rs A. P. | |
| 3rd January . . . | Salary of Dilawur . . . | 70 0 0 | |
| 3rd " . . . | Refund of overcharge in case deposited. | 15 0 0 | |

## INTESTATES.

**115.** [*Directions for dealing with the property of Intestates—C. O. No. 11 of 6th March 1878.*]—(*a*) Any cash belonging to an intestate's estate which may be received in Court, from whatever source derived, must be paid into the Treasury at once, and no such cash must be allowed to remain in the hands of the Nazir.

(*b*) On the receipt of unclaimed property of persons dying intestate, the Nazir must make the requisite entries in the Register in Form No. 26[1] of the Account Rules, and these entries must be compared with the Police Chalan by the Sarrishtadar and the Accountant. If cash forms part of the property, or if part of the property, being perishable, is sold before the expiry of the year prescribed by law, such cash or sale proceeds must, after entry in the Register just mentioned, be put in deposit till the time arrives for paying them over to claimants or crediting them to Government.

(*c*) When any property in the custody of the Court is sold, the sale account must invariably be checked with the Register by the Sarrishtadar and the Accountant, and the Judge must from time to time test the work of his subordinates by personally examining the sale accounts in some cases taken at random.

[1] Page 105.

## REPORTS—(ANNUAL).

**116**. [*Instructions regarding Annual Reports—C. O. No. 29 of 21st August 1879.*]—(*a*) District Judges shall submit to the High Court along with the Annual Returns and Statements a Report for the year to which these refer upon the administration of civil justice. Tabular Statements in Forms Nos. 26 to 38[1] shall be incorporated in the Report, with apposite remarks as to any increase or decrease of business, or the like, shown in each. These tables shall include the figures for all the Courts of Small Causes, the regular Civil Courts, and the Revenue Courts in each district, separate totals being given for each of these classes of Courts. Much difficulty and unnecessary correspondence is caused by District Judges treating the Annual Reports as matters of routine, and failing to see that the entries in the tables included in them, and those in the corresponding Annual Statements, agree, as they must do, exactly. The failure to explain discrepancies between figures given in two successive Reports, which, in the absence of special reason, ought to be identical, is also a matter which leads to much unnecessary correspondence.

(*b*) The High Court does not consider it necessary to prescribe the use of any particular form of Report, leaving it to the District Judges to put on record the main features in the administration of the year in the manner which may appear to them most suitable; the following matters must, however, receive notice:—

The condition of judicial buildings.

The state of the Judge's record-room, which must be ascertained by careful personal enquiry, and not from the mere report of the record-keeper.

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[1] *Vide* Forms of Periodical Statements, pp. 130 to 132.

The extent to which effect has been given to the rules regarding the arrangement of the records in the course of the trial, and to the rules regarding the destruction of useless records.

The condition of the Judge's library.

The mode in which effect is given to the rules relating to the employment of Civil Court Ameens.

The working of the rules under the Court Fees Act.

The effect of recent legislation on the working of the Courts.

The date on which each Subordinate Court in the district was last inspected by the District Judge.

(*c*) The character, qualification, and official merits of the several Subordinate Judicial Officers should be made the subject of a separate report, in which the work done by, and the result of appeals from, each officer ought to be analysed and commented upon, only as aids to forming a judgment as to their respective deserts and fitness for promotion. This is not, however, to debar District Judges from recording in their Administration Reports any instance of special and distinguished merit on the part of any subordinate officer, which they consider deserving of special mention and entitling the person indicated to the favourable notice of the Court or of Government.

(*d*). [*C. O. No. 1 of 18th January 1881.*]—District Judges shall forward to each Collector within their jurisdiction a copy of Annual Statement 2, and of so much of Comparative Tables I, II, and III as relates to the Courts in his district.

## RETURNS AND STATEMENTS.

**117.** [*General Instructions as to the preparation of Periodical Statements—C. O. No. 29 of 21st August 1879.*]—(*a*) The forms of Periodical Statements entered

in the list hereinafter following[1] are prescribed for adoption by the Civil Courts shown against each. On the forms themselves some instructions for observance will be found, and the following general instructions are also issued in order to secure the correct and uniform preparation of these Statements.

(*b*) When possible, printed forms should be used for the preparation of Periodical Statements. The practice of extending the printed forms by pasting sheets of paper on to them should be avoided. As many separate printed forms as may be necessary to contain the information required should be used.

For reports, and for explanations where these have to be separately written, foolscap paper should be used.

When a statement is blank, it should not be submitted, a note to that effect being sufficient.

(*c*) Where the figures given in any return differ from those given in any returns previously submitted, explanation should always be given in order to avoid the necessity for a reference in the matter. Much correspondence will also be rendered unnecessary if, before submission, figures entered in the Annual Statements are compared with those in the Court's printed report for the previous year.

(*d*) Officers having work in more departments than one should always note in their returns how their time was apportioned between the various departments. This is necessary to enable the Court to judge whether the work done is sufficient, and to admit of the officer's salary being correctly apportioned in the annual returns between the various departments.

(*e*) Monthly and Quarterly Statements should be despatched by Subordinate Courts to the District Judge on or before the 5th of the month next succeeding the

[1] *Vide* pp 130 to 132.

period to which they relate, and Annual Statements on or before the 20th day of the new year.

(*f*) Quarterly and Half-yearly Statements should be submitted by District Judges to the High Court on or before the 15th of the month next succeeding the period to which they relate; and Annual Statements, along with the Annual Report on the administration of civil justice, on or before the 15th February of each year. The punctual despatch of correct statements is an important duty, the neglect of which will not be overlooked by the Court. The Periodical Statements have now been brought into accordance with each other as far as possible; and if due attention is given during the course of the year to the collecting of materials for the Annual Statements, the delay, of which the Judges have had so frequently to complain, should not occur in the preparation of these returns in a correct form.

(*g*) In the Periodical Returns submitted to the Court by District Judges, the returns of all Subordinate Courts including Small Cause Courts, as well as those of Additional Judges, should be incorporated. The information regarding Revenue Courts required for the annual statements will, under the orders of the Government, be supplied to District Judges by District Collectors.

(*h*) Except where specially provided, the returns are meant to show separately the work of each Court, and not the work of each officer who may have presided during the year in the same Court. Officers' names need not therefore be given. Where a Small Cause Court Judge presides over more than one Court, the returns must show distinctly the work of each Court, unless the figures required are mere totals for the "class of Court."

(*i*) A case is not said to be received or disposed of

by transfer except when it is passed from one Court to another by an order. Cases which have been left by the presiding officer to his successor in the same Court are not to be treated as transferred. Where, through mistake or otherwise, a case has to be transferred from one file to another in the same Court, the column "Pending" must be corrected, and explanation given in the next return.

(*j*) The date of the transfer of a case by one Court is ordinarily to be taken as the date of its receipt on transfer by another; any instances of unusual delay should be noticed in the explanations. Where in the general statement compiled for any district the total of the column "Received by transfer" differs from that of the column "Disposed of by transfer," the reason should be explained, and any cases transferred from or to other provinces should be noted particularly, as the information is required in the preparation of the Court's general returns.

(*k*) Applications under section 223 of Act X of 1877, for the transfer of decrees to other Courts for execution, are not applications for execution, and, whether granted or refused, should not appear in the returns at all. If a decree be transferred for execution by a superior Court to a subordinate Court of its own motion, after an application for execution under section 230 has been filed, and execution ordered under section 245, that application should be shown as disposed of and received by transfer. In any other case, the receiving Court is not to make any entry in its returns until it receives from the creditor an application for execution under that section. If after proceedings have been commenced in any Court on an application for execution, the creditor makes an application for transfer to a Court not subordinate, and the Court complies with it under clauses (*a*) to (*d*) of section 223, the case

pending in the transferring Court shall be returned as disposed of by transfer, when satisfaction of the decree has not been obtained at all on the application for execution; and as disposed of on its merits, when part satisfaction has been obtained: but, as directed above, it is not to be noticed in the receiving Court's returns as received by transfer.

(*l*) Apart from a few specified classes of cases entered in the non-judicial miscellaneous statement, all the returns refer to judicial work only. Care must be taken in particular to enter none but judicial work under the head "Revenue Courts" in the Annual Statements. In the Lower Provinces of Bengal there will ordinarily be no entries under this head except in districts where rent suits are still tried in the Revenue Courts.

(*m*) For the purposes of the Periodical Statements, suits and appeals from decrees are divided into three classes :—

I.—SUITS FOR MONEY AND MOVABLES, AND APPEALS IN THE SAME;

II.—SUITS AND APPEALS UNDER THE RENT LAW; and

III.—TITLE AND OTHER SUITS, AND APPEALS IN THE SAME.

The details of this classification, which must be strictly adhered to throughout the returns, will be found in Annual Statement No. 2.

(*n*) Suits for money, &c., are again sub-divided according as they are dealt with under the Small Cause Court procedure, or under the ordinary procedure. Where an officer has the powers of a Small Cause Court Judge, the work done by him in the exercise of these powers should be shown bracketed with that done under his ordinary powers, and a similar plan must be followed where a Small Cause Court Judge has the powers of a Subordinate Judge.

(*o*) Under the head Miscellaneous (non-judicial) cases, information is required in the returns regarding only a few specified heads, *viz.* :—

Applications by tenants to deposit rent under section 46 of Act VIII (B. C.) of 1869.

Applications by distrainers for aid in making distraints under section 75 of the same Act.

Applications by distrainers for the sale of distrained crops under section 78 of the same Act.

(*p*) Separate statements being provided to show applications for the execution of decrees, these will not be included under the head "Miscellaneous (judicial)" cases, and it is intended that such other cases only as require a judicial enquiry or order should be included. The following list shows the cases which are to be entered[1] under this head, and without the special orders of the High Court, no addition may be made to such list, *viz.* :—

Orders rejecting plaints.[2]

Applications under sections 22 and 25 to Act X of 1877, to an Appellate Court to transfer a suit pending in a Subordinate Court.

Applications under sections 99, 103, 108, 558, and 560 of Act X of 1877 for the restoration to the file of a suit or appeal dismissed on default, or decreed *ex parte*.

Cases under section 244 of Act X of 1877.[2]

Claims to, and objections to the attachment of, attached property under sections 278 and 487 of Act X of 1877.

Complaints by decree-holders or purchasers under sections 328 and 334 of Act X of 1877 of resistance to possession being given, except when, in case of obstruction by a claimant in good faith, the case is under section 331 to be registered as a suit.

Enquiries under section 258 of Act X of 1877, on the application of judgment-debtors, as to payments or adjustments alleged to have been made.

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[1] Applications under sections 311 and 313 to set aside a sale in execution of a decree are to be treated as part of the execution case, and not entered as separate miscellaneous cases.—(*C. O. No. 3 of 7th January 1880.*)

[2] Added by C. O. No. 20 of 28th April 1880.

Applications under section 332 of Act X of 1877.[1]

Applications under section 344 of Act X of 1877, to be declared an insolvent.

Commissions under section 386 of Act X of 1877, for the examination of witnesses, received from other Courts and executed by the Court.

Applications under sections 401 and 592 of Act X of 1877 for permission to sue or appeal as a pauper.

Applications under section 623 of Act X of 1877 for review of judgment.

Miscellaneous criminal proceedings under section 174 of Act X of 1877, and sections 435, 471, and 474 of Act X of 1872.

Cases under section 14, Act XVIII of 1879 (The Legal Practitioners' Act).

Cases regarding the property of intestates under section 7 of Regulation V of 1799, in which a claimant appears.

Cases regarding redemption and foreclosure of mortgages under Regulations I of 1798 and XVII of 1806.

Applications under Act XIX of 1841.

Applications for Certificates of guardianship of minors, or of administration of their property under Acts XL of 1858 and IX of 1861, or for the revocation of such Certificates.

Applications regarding the care of lunatics' estates, and the guardianship of their persons under Act XXXV of 1858.

Applications under section 18 of Act XL of 1858, or under section 14 of Act XXXV of 1858, for sanction to the sale, &c., of the property of minors[2] or lunatics.

Applications for certificates under Act XXVII of 1860.

Applications for probates and letters of administration under Acts X of 1865 and XXI of 1870, except contested cases, which must be transferred to the head of Suits.

Cases under Parts III and IV of Act X of 1870 (The Land Acquisition Act).

Cases under section 59 of Act VII (B. C.) of 1876 (The Land Registration Act).

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[1] Under the amended provisions of the Code of Civil Procedure applications under section 332 are no longer to be registered as suits. They should accordingly be treated as miscellaneous cases.—(*C. O. No. 3 of 7th January 1880.*)

[2] Added by C. O. No. 20 of 28th April 1880.

(*q*) Cases under Act XX of 1863 and under sections 331, 470, 523, 525, 529, and 539 of Act X of 1877, are to be registered as suits, and must be entered as such in the returns.

(*r*) The following are classed as miscellaneous appeals:—

Appeals from orders under section 588 of Act X of 1877.

Appeals in miscellaneous judicial cases.

(*s*) In order to obtain the average duration of cases, the aggregate number of days for which all cases were pending before the Court must be divided by the total number of such cases.

(*t*) When an order has been made under section 566 or section 568 of Act X of 1877, the case is to be considered as pending before the Appellate Court, and the time occupied in making the return called for, or in taking the evidence, must be counted as time occupied in the appeal.

(*u*) When an order of remand is made under section 562 of Act X of 1877, the case must be treated as decided by the Appellate Court, and must be brought on the file of the Lower Court.

(*v*) Separate accounts must be kept of the time cases, whether suits or appeals, were pending (1) from institution to original or first decision; (2) from date of application for review to date of finally disposing of the case, whether the review shall have been granted or refused; (3) from the date of the order of remand under section 562 of Act X of 1877, to the date of the new decision under such order. In Annual Statements Nos. 4 and 5, it will be necessary to give only the average duration before the original or first decision of a suit or appeal. Details regarding cases in later stages should be entered in the Tabular Statements prescribed for the purpose.

**118.** [*List of Forms of Periodical Statements prescribed for use by the Civil Courts—C. O. No. 29 of 21st August 1879.*]

| Index numbers of Forms. | Subject of Statements. | By what Courts to be prepared and submitted. | To what Courts to be submitted. | REMARKS. |
|---|---|---|---|---|
| | MONTHLY AND QUARTERLY. | | | |
| 1 | Original Suits . . . . | Munsifs, Subordinate Judges, and Small Cause Court Judges. | District Judges | In the returns for the first and second months of each quarter monthly figures must be given: and in those for the third month, the figures for the whole quarter. |
| 2 | Miscellaneous Original Cases (judicial). | | | |
| 3 | Execution of Decree . . . | | | |
| 4 | Miscellaneous Original Cases (non judicial) . . . | | | |
| 5 | Appeals . . . . . | Subordinate Judges. | Ditto. | This will be submitted only by such Subordinate Judges, if any, as may be employed in trying such appeals. |
| 6 | Miscellaneous Appeals . . | | | |
| 7 | Small Cause Court Diary . . | Small Cause Court Judges. | Ditto. | |
| | QUARTERLY. | | | |
| 29 | Applications to set aside *ex-parte* judgments or judgments in default. | Munsifs, Subordinate Judges, and Small Cause Court Judges. | District Judges | |
| 8 | Original Suits . . . . | Additional Judges<br>District Judges . | District Judges<br>High Court | |
| 9 | Execution of Decrees and Miscellaneous Original Cases. | | | |
| 10 | Miscellaneous Cases (non-judicial). | | | |
| 11 | Appeals . . . . . | | | |
| 12 | Miscellaneous Appeals . . | | | |
| 13 | Commissions issued for the Examination of Witnesses. | Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges.<br>District Judges . | District Judges.<br>High Court. | |
| 14 | Probates and Letters of Administration. | District Judges . | High Court. | |
| 15 | Pauper suits decided and Stamp Duty leviable. | Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges.<br>District Judges . | District Judges.<br>Collectors of Districts. | |

| Index numbers of Forms. | Subject of Statements. | By what Courts to be prepared and submitted. | To what Courts to be submitted. | REMARKS. |
|---|---|---|---|---|
| | **HALF-YEARLY AND ANNUALLY** | | | |
| 16[1] | Proceedings in Insolvency . (*Vide Annual Statement No.* 7) | Courts, if any, empowered under section 360 of the Civil Procedure Code.<br>District Judges . | District Judges<br>High Court . | The return for the first half-year will contain the figures for that period only. The second half-yearly return will contain the figures for the whole year. |
| | **ANNUALLY (CALENDAR YEAR).** | | | |
| 17 | Receipts and Charges of Civil Courts, &c. | All Civil Courts .<br>District Collectors.<br>District Judges . | District Courts.<br>High Court. | |
| 18<br>19<br>20<br>21 | Original Suits, classified . .<br>Ditto, valued . .<br>Business of Civil Courts of Original Jurisdiction. Part I, suits. Part II, miscellaneous cases. | All Civil Courts of Original Jurisdiction and District Collectors.<br>District Judges . | District Judges.<br>High Court. | |
| 24 | Execution of Decrees . . | | | |
| 22<br>23 | Business of Appellate Courts. Part I, Appeals from Decrees. Part II, Miscellaneous Appeals. | Subordinate and Additional Judges and District Collectors.<br>District Judges . | District Courts.<br>High Court. | |
| 25 | Employment of Jurors and Assessors. | Additional Judges<br>District Judges . | District Judges<br>High Court. | |
| 29 | Applications to set aside *ex parte* judgments or judgments in default. | Munsifs, Subordinate Judges, and Small Cause Court Judges<br>District Judges . | District Judges.<br>High Court | To accompany the Annual Report. |
| 37<br>39 | Suits and Appeals, class and value.<br>Average Duration of Suits . | Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges.<br>District Judges . | District Judges.<br>High Court | Ditto ditto. |

[1] Form No. 16 has been struck out and the present form of Annual Statement No. 7 substituted by C. O. No. 3 of 7th January 1880.

| Index numbers of Forms. | Subject of Statements. | By what Courts to be prepared and submitted. | To what Courts to be submitted. | REMARKS. |
|---|---|---|---|---|
| | ANNUALLY (CALENDAR YEAR)—*continued.* | | | |
| 40 | Average Duration of Appeals . | Subordinate and Additional Judges | District Judges. | |
| | | District Judges | High Court . | To accompany the Annual Report |
| 41 | Probates, Letters of Administration, and Certificates. | District Judges.. | High Court . | Ditto ditto. |
| 43 | Cost of Local Inquiries . . | Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges. | District Judges. | |
| | | District Judges. | High Court. | |
| 44 | Return of Immovable Property | Uncovenanted Judicial Officers. | To High Court through District Judges. | Ditto ditto. |
| | ANNUALLY (FINANCIAL YEAR). | | | |
| 42 | Receipts and Disbursements on account of Ameens. | Munsifs, Subordinate Judges, Small Cause Court Judges, and Additional Judges. | District Judges. | These returns are to be submitted on or before the 15th May of each year (*G. L. No. 6 of 7th May* 1880). |
| | | District Judges. | High Court | |
| 45 | Tenures sold by order of the Civil Courts. | Munsifs, Subordinate and Additional Judges. | District Judges. | |
| | | District Judges | High Court. | |
| | ANNUALLY (CALENDAR YEAR). | | | |
| 26 | Suits instituted, disposed of, and pending during two years | District Judges . | High Court | These Tables are to be incorporated by District Judges in their Annual Reports. |
| 27 | Suits, class and value . . | | | |
| 28 | Manner of disposal of Suits of each class . . . . | | | |
| 30 | Execution of Decrees and amount realized . . | | | |
| 31 | Miscellaneous Cases (judicial) instituted, disposed of, and pending . . . . | | | |
| 32 | Ditto ditto (non-judicial) . | | | |
| 33 | Appeals in Regular Suits . | | | |
| 34 | Appeals and ratio of Appeals to Decisions affirmed . . | | | |
| 35 | Appeals, number and value . | | | |
| 36 | Manner of disposal of Appeals of each class . . . . | | | |
| 38 | Miscellaneous Appeals instituted, disposed of, and pending. | | | |

**119.** [*No statement to be discontinued except by order—G. L. No. 5 of 9th March 1877.*]—No statement in use by authority of the High Court may be discontinued without an express order of such Court.

## MONTHLY STATEMENTS.

**120.** [*Instructions regarding Monthly Statements—C. O. No. 29 of 21st August 1879.*]—(*a*) The Subordinate Courts shall submit to the District Judge Monthly Statements, those for the first and second months of the quarter giving the figures for these months respectively, and those for the third month giving the figures for the whole quarter in the same forms.

(*b*) These forms have been framed exactly according to the corresponding forms of the Annual Statements, and it is intended that in the Statement of each month or quarter the total figures for the previous months or quarters of the year shall be brought forward and added, so that the returns for December shall give the total figures for the whole year.

(*c*) The forms of Quarterly Statements to be submitted to the High Court by the District Judge differ from the above in that they contain less detail, and the necessary entries must therefore be compiled in the District Judge's office.

(*d*) District Judges are expected carefully to examine the Monthly Statements submitted by the Subordinate Courts, and to satisfy themselves that the business of these Courts is transacted with due despatch, and that cases receive personal attention in execution as well as before decree.

(*e*) Explanations of the delay in the disposal of suits shall be submitted quarterly to the District Judge by the Subordinate Courts. These explanations are required, in cases dealt with under the Small Cause Court procedure, when a suit has been pending for more than six weeks, or a decree has been for more than three months under execution. In the case of all other classes of

suits and of miscellaneous cases and of appeals, explanations are required when the cases have been pending more than six months; but in the case of rent suits, District Judges must make enquiry if the number entered as pending more than three months is unusually great.

No. 1.

A.

*Monthly Statement showing the general result of the Trial of Original Civil Suits in the Court of the* *of*
*during the* 18 .

| CLASS OF SUITS. | Suits remaining from last | Instituted in | Received otherwise. Received by transfer from other Courts. | Remanded under Section 562, Act X of 1877. | Reviews under Section 626. | Revived under Sections 99, 108, 108 or 371. | Total for disposal. | Disposed of. Transferred to other Courts. | Without Trial. Plaints rejected or returned. | Dismissed for default or want of prosecution. | Withdrawn with leave. | Without Contest. Compromised. | Decreed on confession. | Decreed *ex-parte*. | Dismissed *ex-parte*. | On reference to Arbitration. For Plaintiff. | For Defendant. | With Contest.[1] Judgment for Plaintiff in whole or part. | Judgment for Defendant. | Total of columns 10 to 20. | Pending at the close of | Average duration of suits. Contested. Number of cases.[2] | Aggregate number of days occupied in trial. | Average number of days | Uncontested. Number of cases.[3] | Aggregate number of day occupied in trial. | Average number of days. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| I | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 |
| Suits for Money or Movables. Under Small Cause Court Procedure. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Suits for Money or Movables. Under Ordinary Procedure. | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Suits under the Rent Law . . . | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Title and other Suits . . . | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for the past . | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for the previous . | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| GRAND TOTAL[4] . | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

[1] Note in the column of remarks the number of cases, other than those decided under the Small Cause Court procedure, included in columns 19 and 20, in which (1) no appeal lay, or (2) in which the appeal lay to the High Court.

[2] Columns 17 to 21. [3] Columns 10 to 16. [4] In column 2 the entry to be made opposite this total is the number of suits pending at the close of the previous year, and this entry will remain unaltered throughout the year to which the returns relate. Columns 8 and 22 against this total will be blank throughout the year, and will be filled up only at its close. It is not intended that any entry should be made in columns 2, 8, or 22 against the "Total for the previous——" in the preceding line.

## PART II.

*Detail of Pending Original Suits.*

| Class of Suits | Number of Suits pending | | | | Explanations and Remarks |
|---|---|---|---|---|---|
| | More than six weeks | More than three months | More than six months | More than one year. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| Suits for Money or Movables . . — Under the Small Cause Court Proceedure | | | | | |
| Suits for Money or Movables . . — Under Ordinary Procedure . . . | | | | | |
| Suits under the Rent Law . . . . . | | | | | |
| Title and other Suits . . . . . | | | | | |
| Total . | | | | | |

No. 2.

B

*Monthly Statement of Miscellaneous Cases of a judicial nature (other than Applications for Execution) before the Court of the of during the 18 .*

| Class of Cases. | Cases remaining from last | Instituted in | Received otherwise. Received by Transfer from other Courts. | Remanded under Section 562, Act X of 1877. | Reviews under Section 626. | Revivals under Sections 90, 108, 108. | Total for disposal. | Transferred to other Courts. | Disposed of. Without Trial. Plaints rejected or returned. | Dismissed for default or want of prosecution. | Withdrawn with leave. | Without Contest. Compromised. | Decreed on confession | Decreed *ex-parte*. | Dismissed *ex parte*. | On reference to Arbitration. For Plaintiff. | For Defendant. | With Contest. Judgment Plaintiff in whole or part | Judgment Defendant. | Total of columns 10 to 20 | Pending at the close of | Average duration of cases in Column 21. Aggregate number of days occupied in trial. | Average number of days. | Remarks.[2] |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| Applications to Revive a Suit or Appeal | | | | | | | | | | | | | | | | | | | | | | | | |
| Applications to Review Judgment in a Suit or Appeal | | | | | | | | | | | | | | | | | | | | | | | | |
| Claims to and Objections to Attachment of attached property | | | | | | | | | | | | | | | | | | | | | | | | |
| Complaints by Decree-holder or Purchaser of Resistance to Possession being given | | | | | | | | | | | | | | | | | | | | | | | | |
| Inquiries under Section 258 on application of judgment-debtor | | | | | | | | | | | | | | | | | | | | | | | | |
| Applications for leave to sue or appeal as a Pauper | | | | | | | | | | | | | | | | | | | | | | | | |
| Cases under Section 7 of Regulation V of 1799, in which a Claimant appeared | | | | | | | | | | | | | | | | | | | | | | | | |
| Cases under Acts XL of 1858 and IX of 1861 | | | | | | | | | | | | | | | | | | | | | | | | |
| Cases under Act XXVII of 1860 | | | | | | | | | | | | | | | | | | | | | | | | |
| Cases under Parts III and IV of Act X of 1870 | | | | | | | | | | | | | | | | | | | | | | | | |
| Cases under Section 59 of Act VII (B.C.) of 1876 | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for the past | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for the previous | | | | | | | | | | | | | | | | | | | | | | | | |
| Grand Total[1] | | | | | | | | | | | | | | | | | | | | | | | | |

[1] Against this total the entry to be made in column 2 is the number of cases pending at the close of the previous year, and this entry will remain unchanged throughout the year. No entry will be made against this total in column 8 or 22 until the close of the year to which the returns relate. No entry should be made in column 2, 8, or 22 in the "Total for the previous—" in the preceding line

[2] Here enter, as may be necessary,—"The following work was done in addition to that shown in the preceding column, viz. —

Commissions received by the Court for execution under Section 386 of Act X of 1877 { Number of witnesses examined by the Court . . . . . / Number of cases returned unexecuted . . . . . .

Miscellaneous criminal proceedings under Section 174 of Act X of 1877, and Sections 435, 471 and 474 of Act X of 1872 . . . . . } Number of cases disposed of . . . . . .

Cases under Section 14 of Act XVIII of 1879, (Legal Practitioners' Act) . . . Number of cases disposed of . . . . . .

## PART II.

*Detail of Pending Miscellaneous Cases of a judicial nature other than Applications for the Execution of Decrees.*

| Class of Cases. | Miscellaneous cases pending | | | | Explanations and Remarks. |
|---|---|---|---|---|---|
| | More than six weeks. | More than three months | More than six months | More than one year. | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| Applications to Revive Suits or Appeals | | | | | |
| Applications for review of judgment in suits or appeals | | | | | |
| Claims and Objections to Attachment of attached property | | | | | |
| Complaints by Decree holder or Purchaser of Resistance to Possession being given | | | | | |
| Inquiries under Section 258 on application of judgment-debtor | | | | | |
| Applications for leave to sue or appeal as a pauper | | | | | |
| Cases under Section 7, Regulation V of 1799, in which a Claimant appeared | | | | | |
| Cases under Acts XL of 1858 and XI of 1861 | | | | | |
| Cases under Act XXVII of 1860 | | | | | |
| Cases under Parts III and IV, Act X of 1870 | | | | | |
| Cases under Section 59 of Act VII (B C) of 1876 | | | | | |
| Commissions for Examination of Witnesses executed by Court | | | | | |
| Miscellaneous Criminal Proceedings | | | | | |
| Cases under Section 14 of Act XVIII of 1879 | | | | | |
| Total | | | | | |

No. 3. C.

*Monthly Statement of Applications for the Execution of Decrees in the Court of the of during the month of 18 .*

| Class of Suits: the decrees in which were under execution. | Applications dealt with. Pending at the end of | Filed. The decrees being those of the Court where execution is taken out. | Filed. The decrees being those of other Courts transferred for execution. | Restored to the file from any cause. | Total. | Applications disposed of[1] Transferred. To another Court under Section 223. | Transferred. To the Collector under Section 320. | Wholly or partly satisfied. | Wholly infructuous. | Total. | Pending at the end of | Details of entries in column 9.[1] Satisfaction obtained in full. | Satisfaction obtained in part. | Satisfaction obtained through the Court. | Adjusted under Section 258. | Satisfaction obtained after issue of process. | Satisfaction obtained without the issue of process. | Total amount realized[1] After issue of process. | Without the issue of process. | Number of applications. On which the judgment-debtor was imprisoned. | On which he was arrested under Section 336, but released without imprisonment. | On which movable property. Was sold. | Was attached but subsequently released under Section 276. | On which immovable property. Was sold. | Was dealt with under Section 305 or 328. | Was attached but subsequently released under Section 276. | On which specific performance was enforced. | On which possession was given. Of movables, Section 260. | Of immovables, Sections 263 and 264. | On which partition was effected, Section 265. | On which execution was effected otherwise than in the preceding columns. | Remarks. Note the number of entries in columns 4 and 7, where the decrees have been transferred from or to another province. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 |
| Suits for Money or Movables. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Suits under the Rent Law . | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Title and other Suits . . | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for the past . . | ... | | | | ... | | | | | .. | | | | | | | | | | | | | | | | | | | | | | |
| Total for the previous . | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grand Total[2] | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

[1] This Statement deals only with cases in which an application for execution has been made.

[2] Against this total the entry to be made in column 2 is the number of applications pending at the close of the previous year, and this entry will remain unchanged throughout the year to which the returns relate. In columns 6 and 12 no entry is to be made against this total till the close of the year. No entry should be made in columns 2, 6, or 12 against the "Total for the previous—" in the line preceding.

## PART II.

*Detail of pending Applications for Execution of Decrees.*

| APPLICATIONS FOR EXECUTION OF DECREES. | NUMBER OF APPLICATIONS PENDING | | | EXPLANATIONS AND REMARKS. |
|---|---|---|---|---|
| | More than three months | More than six months. | More than one year. | |
| 1 | 2 | 3 | 4 | 5 |
| In Suits for Money or Movables . . . . | | | | |
| In Suits under the Rent Law . . . . . | | | | |
| In Title and other Suits . . . . . | | | | |
| TOTAL . . | | | | |

No. 4. D.

*Monthly Statement of certain Miscellaneous Cases of a non-judicial nature before the Court of the* *of*
*during the* 18

| CLASS OF CASE. | Cases remaining from last. | Instituted in | Received otherwise. | Total for disposal. | DISPOSED OF | | Pending. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| | | | | | Granted. | Refused. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Applications for the Deposit of Rent . . . . | | | | | | | | |
| Applications for Assistance to Distrain . . . | | | | | | | | |
| Applications for the Sale of Distrained Property . | | | | | | | | |
| Total for the past . | | | | | | | | |
| Total for the previous . | | | | | | | | |
| GRAND TOTAL[1] . . | | | | | | | | |

[1] The entry to be made against this total in column 2 is the number of cases pending at the close of the previous year, and this entry should remain unchanged throughout the year to which the returns relate. No entry is to be made against this total in column 5 or 8 until the end of the year. No entry should be made in column, 2, 5 or 8, against the "Total for the previous——" in the preceding line.

No. 5. **E.**

*Monthly Statement showing the Civil Appellate Business before the Court of the during the* 18

| Class of suits, the decisions in which were appealed against. | Appeals remaining from last month. | Instituted in | Otherwise received. | | | | Total for disposal. | Transferred to other Courts | Appeals summarily rejected, Section 551 | Dismissed for default or otherwise not prosecuted | Heard *ex-parte* | | | | Contested. | | | | Total of Columns 10 to 19, i.e., disposed of, omitting transfers. | Pending at the end of | Of these pending more than four months | Average duration of Appeals in Column 20 | | Objections under Section 561 of Act X of 1877. | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Received by transfer from other Courts | Reviews under Section 626 of Act X of 1877. | Remands under Section 562 | Revivals under Sections 558, 560 | | | | | Confirmed. | Modified. | Reversed | Remanded under Section 562. | Confirmed. | Modified. | Reversed. | Remanded under Section 562 | | | | Aggregate number of days the Appeals were pending | Average number of days pending | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| Suits for Money or Movables | | | | | | | | | | | | | | | | | | | | | | | | | |
| Suits under the Rent Law | | | | | | | | | | | | | | | | | | | | | | | | | |
| Title and other Suits | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for the past | | | | | | | | | | | | | | | | | | | | | | | | | |
| Total for the previous | | | | | | | | | | | | | | | | | | | | | | | | | |
| Grand Total[1] | | | | | | | | | | | | | | | | | | | | | | | | | |

[1] The entry to be made against this total in column 2 is the number of appeals pending at the close of the previous year, and this entry should remain unchanged throughout the year to which the returns relate. No entry is to be made against this total in column 8 or 21 till the close of the year. No entry should be made against the "Total for the previous——" in columns 2, 8 or 21.

## PART II.

*Detail of Pending Appeals.*

| CLASS OF APPEALS. | NUMBER OF APPEALS PENDING | | | | EXPLANATIONS AND REMARKS. |
|---|---|---|---|---|---|
| | More than six weeks. | More than three months | More than six months | More than one year | |
| 1 | 2 | 3 | 4 | 5 | 6 |
| In Suits for Money or Movables . . . . . | | | | | |
| In Suits under the Rent Law . . . . . | | | | | |
| In Title and other Suits . . . . . | | | | | |
| TOTAL . . | | | | | |

No. 6. **F.**

*Monthly Statement showing the Miscellaneous Appeals before the Court of the* *of*
*during the* *18*

| Class of Appeals. | Remaining from last | Instituted in | Otherwise received. | | | | Total for disposal. | Transferred to other Courts. | Miscellaneous Appeals summarily rejected, Section 551. | Dismissed for default or otherwise not prosecuted. | Heard ex-parte. | | | | Contested. | | | | Total of columns 10 to 19, i. e., disposed of, omitting transfers. | Pending. | Average duration of Appeals in Column 10. | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Received by transfer from other Courts. | Reviewed under Section 626, of Act X of 1877. | On remand under Section 562. | Revived under Sections 558 and 60. | | | | | Confirmed. | Modified. | Reversed. | Remanded under Section 562. | Confirmed. | Modified. | Reversed. | Remanded under Section 562. | | | Aggregate number of days. | Average number of days. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 |
| Appeals from Orders under Section 538, Act X of 1877 . . . | | | | | | | | | | | | | | | | | | | | | | | |
| Appeals in Miscellaneous (Judicial) Cases . . . . . | | | | | | | | | | | | | | | | | | | | | | | |
| Total for past . . | | | | | | | | | | | | | | | | | | | | | | | |
| Total for previous . . | | | | | | | | | | | | | | | | | | | | | | | |
| Grand Total[1] . . | | | | | | | | | | | | | | | | | | | | | | | |

[1] The entry to be made against this total in column 2 is the number of appeals pending at the close of the previous year, and this entry should remain unchanged throughout the year to which the returns relate. No entry is to be made against it in column 8 or 21 till the close of the year. No entry should be made in columns 2, 8, or 21, against the "Total for the previous—" in the preceding line.

## PART II.

*Details of Pending Miscellaneous Appeals.*

| CLASS OF APPEALS | NUMBER OF MISCELLANEOUS APPEALS PENDING | | | EXPLANATIONS AND REMARKS. |
|---|---|---|---|---|
| | More than six weeks. | More than three months. | More than one year. | |
| 1 | 2 | 3 | 4 | 5 |
| Appeals from Orders under Section 588, Act X of 1877 | | | | |
| Appeals in Miscellaneous (Judicial) Cases . . | | | | |
| TOTAL . . . | | | | |

No. 7. *Diary of the Court of Small Causes of* *for the month of* 18 .

| Date. | How employed. | Hours of Sitting. | REMARKS. |
|---|---|---|---|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| 19 | | | |
| 20 | | | |
| 21 | | | |
| 22 | | | |
| 23 | | | |
| 24 | | | |
| 25 | | | |
| 26 | | | |
| 27 | | | |
| 28 | | | |
| 29 | | | |
| 30 | | | |
| 31 | | | |

QUARTERLY STATEMENTS.

**121.** [*Instructions regarding Explanations of delay in Quarterly Statements—C. O. No. 29 of 21st August 1879.*]—(*a*) The District Judges shall review the explanations furnished by the subordinate Courts, and will append to their Quarterly Statements a Certificate either that they have found them satisfactory, or that they have taken the needful steps in respect of those which have been found unsatisfactory.

(*b*) Any case which appears to call for special notice shoud be separately brought to the notice of the High Court; and, whenever a case has been pending for more than a year, the explanation of the lower Court, together with the Judge's remarks thereon, must be forwarded.

(*c*) Explanations shall be furnished by Additional Judges of cases pending before them for more than one year, and these shall be forwarded to the High Court by District Judges along with similar explanations regarding cases pending before themselves for more than one year.

No. 8.

# QUARTERLY STATEMENT A.

## ORIGINAL SUITS.

*District of* *quarter of 18*

| Courts. | For Disposal. | | | | | | | Disposed of | | | | | Pending. | | | | Explanations and Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Pending | Instituted. | | | Received by transfer. | Restored to the file for any reason. | Total. | Transferred to other Courts. | Without trial. | Without contest. | With contest and on reference to Arbitration. | Total, omitting transfers. | Suits for Money or Movables. | Suits under the Rent Law. | Title and other suits. | Total. | |
| | | Suits for Money or Movables | Suits under the Rent Law. | Title and other suits. | | | | | | | | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| | | | | | | | | | | | | | | | | | |
| Total . . | | | | | | | | | | | | | | | | | |

## PART II.

*Detail of Pending Cases.*

| COURTS. | SUITS FOR MONEY OR MOVABLES, PENDING. | | | SUITS UNDER THE RENT LAW, PENDING. | | | TITLE AND OTHER SUITS, PENDING. | | | EXPLANATIONS AND REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|
| | More than six weeks. | More than three months | More than one year. | More than six weeks. | More than three months. | More than one year. | More than three months. | More than six months. | More than one year. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |
| TOTAL | | | | | | | | | | |

No. 9.

# QUARTERLY STATEMENT B.

## APPLICATIONS FOR THE EXECUTION OF DECREES AND MISCELLANEOUS (JUDICIAL) CASES.

*District of* *Quarter of 18*

| Courts. | APPLICATIONS FOR THE EXECUTION OF DECREES | | | | | | | | | MISCELLANEOUS (JUDICIAL) CASES. | | | | | | | | | | | Explanations and Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | For Disposal. | | | | Disposed of | | | Total, omitting transfers | Pending. | For Disposal. | | | | | Disposed of | | | | Total, omitting transfers. | Pending. | |
| | Pending. | Filed.[1] | Restored to file | Total. | By transfer | Entirely or partially satisfied. | Wholly infructuous. | | | Pending | Instituted. | Received by transfer. | Restored to file. | Total | Transferred to another Court | Without trial. | Without contest. | With contest or by arbitration | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | | | | | | | | | | | | | | | | | | | | |
| Total . . | | | | | | | | | | | | | | | | | | | | | |

[1] Columns 3 and 4 of Annual Statement 6.
NOTE.—New Column 10 added by C. O. No. 3 of 7th January 1880.

## PART II.

*Detail of Pending Cases.*

| COURTS. | APPLICATIONS FOR THE EXECUTION OF DECREES, PENDING | | | MISCELLANEOUS (JUDICIAL) CASES, PENDING | | | EXPLANATIONS AND REMARKS |
|---|---|---|---|---|---|---|---|
| | More than three months | More than six months | More than one year. | More than three months. | More than six months. | More than one year | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |
| TOTAL . . | | | | | | | |

No. 10.

# QUARTERLY STATEMENT C.

## MISCELLANEOUS CASES, NON-JUDICIAL.

*District of* *Quarter 18* .

| COURT. | INSTITUTED. | | | DISPOSED OF. | | | | PENDING | | | EXPLANATIONS AND REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | Applications for Deposit of Rent. | Applications for Assistance to Distrain. | Applications for Sale of Distrained Property. | Applications for Deposit of Rent. | Application for Assistance to Distrain. | | Applications for Sale of Distrained Property. | Applications for Deposit of Rent. | Applications for Assistance to Distrain | Applications for Sale of Distrained Property. | |
| | | | | | Granted. | Refused. | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |
| TOTAL . . | | | | | | | | | | | |

No 11

# QUARTERLY STATEMENT D.

## APPEALS

*District of* *Quarter of 18*

| | FOR DISPOSAL. | | | | | | | DISPOSED OF. | | | | | PENDING. | | | | EXPLANATIONS AND REMARKS |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | INSTITUTED | | | | | | | | | | | | | | | |
| | Pending | In suits for Money or Movables | In suits under the Rent Law | In Title and other suits | Received by transfer | Restored to the file for any reason | Total. | Transferred to other Courts | Dismissed on default or for want of prosecution | Decided *ex-parte* [1] | Contested. | Total, omitting transfers | In suits for Money or Movables | In suits under the Rent Law | In Title and other suits | Total | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 |
| | | | | | | | | | | | | | | | | | |
| TOTAL . . | | | | | | | | | | | | | | | | | |

[1] Include appeals summarily rejected under Section 551 of Act X 1877

# PART II.

*Details of Pending Appeals.*

| Courts. | In suits for money or moveables, pending | | | In suits under the Rent Law, pending | | | | In title and other suits, pending | | | Explanations and Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|
| | More than six weeks | More than three months. | More than one year | More than six weeks | More than three months. | More than six months | More than one year | More than three months | More than six months. | More than one year. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| | | | | | | | | | | | |
| Total . . | | | | | | | | | | | |

No. 12.

# QUARTERLY STATEMENT E.

## MISCELLANEOUS APPEALS.

*District of* *Quarter of 18*

| Courts. | For Disposal. | | | | | Disposed of. | | | | | Total, Pending. | Of which pending. | | | Explanations and Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Pending. | Instituted. | Received by transfer. | Restored to the file for any reason. | Total. | Transferred to other Courts. | Rejected, dismissed for default or want of prosecution. | Heard *ex-parte*. | Contested. | Total, omitting transfers. | | More than six weeks. | More than three months. | More than one year. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 |
| | | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | | |

**No. 13.** *Quarterly Statement of Commissions issued under Sections 383 and 386 of the Code of Civil Procedure from the Court of District during the quarter 18 .*

| Consecutive No. for the year. | Number of Suit. | Party applying. | Date of application. | Place to which commission is to be sent. | Person to whom addressed. | Fee. | Date of issue. | Date of return. | Whether or not executed. | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | | | | | | | | | | |

No. 14.

*Quarterly Statement showing Grants of Probate and Letters of Administration made by the District Judge of under provisions of Part XXXI of Act X of 1865, for the quarter ending 18 , submitted under Circular Order No. 32, dated 28th September 1867.*

| Names and Professions of Deceased Persons. | Names and Professions of Persons to whom Probate or Letters of Administration were granted. | Names of all the Executors in the Will, in Probate Cases. | Date of Grant. |
|---|---|---|---|
| | | | |

DISTRICT OF

JUDGE'S OFFICE.

*The* 18 .

*Judge.*

No. 15.

*Quarterly Statement showing the number of Pauper Suits decided in the Civil Courts of the District of during the Quarter of the year 18 , and the amount of Stamp Duty leviable on behalf of Government (Circular Order No. 4, dated 16th February 1878).*

| In what Court decided | Date of Institution of Suit. | Register Number of Suit | Names of Suitors with their places of Residence. | Nature of the Suit | Substance of the order passed. | Date on which Copy of the Decree was made over to the Government Pleader | Amount or Value in dispute | Amount of Stamp Duty leviable | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

PART II.—SHOWING THE NUMBER OF ESTATES IN THE HANDS OF RECEIVERS AND THE PROGRESS MADE IN WINDING THEM UP

| Name of Court. | Number of insolvents' estates in the hands of Receivers | | | | Amount of creditors' claims dealt with during the year. | | | | | Amounts of insolvents' assets realized and outstanding | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Pending at the close of the previous year | Placed in charge of a Receiver during the year. | Number of estates in regard to which proceedings were finally closed during the year | Pending at the close of the year | Unsatisfied and pending at the close of the previous year | Admitted | Disallowed. | Satisfied | Unsatisfied and pending at the close of the year | Amount of realized assets in the hands of Receivers at the close of the previous year | Gross amount realized during the year. | Total amount of disbursements. | Amount remaining in the hands of Receivers at the close of the year | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| | | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | | |

## ANNUAL STATEMENTS.

**122.** [*Instructions as to the preparation of the Annual Statements.—C. O. No. 29 of 21st August 1879.*] —(*a*) District Judges should be careful that the proper officers of their Courts, and of the Courts subordinate to them, collect at convenient intervals the information necessary to fill up the Annual Statements. Some of these can be readily compiled from the Monthly and Quarterly Returns. In the case of others, the Court has not insisted on the requisite information being embodied in Monthly or Quarterly returns, but it is essential that it should be collected from time to time so as to be available without delay at the close of the year.

(*b*) The Court desire to impress upon District Judges and other officers concerned in the preparation of Periodical Statements, that, unless they are correct and framed in exact compliance with the instructions issued in that behalf, they are not merely valueless but mischievous.

No 17

# ANNUAL STATEMENT 1—(CIVIL)

FOR THE DISTRICT JUDGESHIP OF FOR THE YEAR 18

## PART I.

*List of Judicial Divisions with Area and Population.*

| Name of District Judgeship | Name of Collectorate | Names of Munsifees. | Area in square miles.[1] | Population. |
|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 |
| | | | | |

[1] If the Judgeship includes more than one Collectorate, give the area and population separately for each

## PART II.

*Return showing the total number of Judicial and Revenue Officers exercising jurisdiction in Civil and Revenue cases at the close of the year their class and powers. Also the number of working days that Officers of each class, employed in the district during any part of the year, were engaged in each department.*

| CLASS OF COURTS. | Exercising Civil powers only.[1] | Civil and Criminal powers.[2] | Civil and Revenue Powers.[1] | Exercising Civil, Criminal, and Revenue powers.[1] | TOTAL NUMBER OF WORKING DAYS EMPLOYED. On Civil work.[3] | On Criminal.[3] | On Revenue work.[3] | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| **CIVIL COURTS.** | | | | | | | | |
| District Judge | | | | | | | | |
| Additional Judge | | | | | | | | |
| (DISTRICT ) | | | | | | | | |
| Small Cause Court Judges | | | | | | | | |
| Ditto with powers of Sub-Judge | | | | | | | | |
| Subordinate Judges | | | | | | | | |
| Ditto with Small Cause Court powers | | | | | | | | |
| Munsifs | | | | | | | | |
| Ditto with Small Cause Court powers | | | | | | | | |
| TOTAL | | | | | | | | |
| (DISTRICT ) | | | | | | | | |
| Small Cause Court Judges | | | | | | | | |
| Ditto with powers of Sub-Judges | | | | | | | | |
| Subordinate Judges | | | | | | | | |
| Ditto with Small Cause Court powers | | | | | | | | |
| Munsifs | | | | | | | | |
| Ditto with Small Cause Court powers | | | | | | | | |
| TOTAL | | | | | | | | |
| **REVENUE COURTS.** | | | | | | | | |
| (DISTRICT ) | | | | | | | | |
| Collector | | | | | | | | |
| Deputy and Assistant Collectors, and Assistant and Extra Assistant Commissioners | | | | | | | | |
| TOTAL | | | | | | | | |
| (DISTRICT ) | | | | | | | | |
| Collector | | | | | | | | |
| Deputy and Assistant Collectors, and Assistant and Extra Assistant Commissioners | | | | | | | | |
| TOTAL | | | | | | | | |
| GRAND TOTAL | | | | | | | | |

[1] Only officers exercising civil powers and employed in the district on the last day of the year are to be entered in these columns.

[3] In these columns enter the working days of every officer exercising civil powers who was employed in the district during any part of the year. An estimate of the share of an officer's time given to each department should be entered in case a precise record has not been kept.

# PART III.

*Statement showing the Receipts and Charges of the several Grades of Civil Courts and the proportion of the Salary of Judicial Officers debitable to Civil Justice.*

| Class of Courts. | RECEIPTS [1] | | | | | CHARGES [1] | | | | | | | Remarks |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | In Court Fee Stamps | | In Cash | | Total | Salaries of Judicial Officers | | Establishment [3] | | Contingencies | Refunds | Total of Columns 8 to 12 | |
| | Process Fees | Other Fees | Fines | Other receipts credited to Government | | Gross | Share [2] debitable to Civil Justice | Process-servers. | Others | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| **COURTS IN THE INTERIOR** | | | | | | | | | | | | | |
| **Civil Courts** | | | | | | | | | | | | | |
| District Judges Courts | | | | | | | | | | | | | |
| Small Cause Courts | | | | | | | | | | | | | |
| Subordinate Judges Courts | | | | | | | | | | | | | |
| Moonsiffs Courts | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | |
| **Revenue Courts** [4] | | | | | | | | | | | | | |
| Collectors | | | | | | | | | | | | | |
| Deputy and Assistant Collectors, and Assistant and Extra Assistant Commissioners | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | |
| **Grand Total for Courts in the Interior** | | | | | | | | | | | | | |
| **COURTS AT THE PRESIDENCY.** | | | | | | | | | | | | | |
| Presidency Small Cause Court | | | | | | | | | | | | | |
| High Court, Original Jurisdiction | | | | | | | | | | | | | |
| Ditto, Appellate Jurisdiction | | | | | | | | | | | | | |
| Total | | | | | | | | | | | | | |

[1] Omit fractions of a rupee

[2] In districts where the same establishment is employed in different departments, enter only a share of the cost, calculated on an estimate of the share of the time of each officer employed, which is devoted to civil work.

[3] The proportion of an officer's time shown in Part II to have been devoted to civil work will determine the proportion of his pay to be debited to Civil Justice

[4] In districts where the duties of the Revenue Courts are purely executive, this division and the corresponding division of the other annual statements will be blank, as the statements are meant to show judicial work only.

**No. 18.** ANNUAL STATE

*Statement showing the Number and Description of Civil Suits instituted*

| Class of Tribunals. | Suits for money or movable property. | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| | Contract in writing. | Contract not in writing. | On account stated. | Money had and received. | Goods sold | Wages, work, and materials. | Rent not falling under the Rent Law. | Movable property or value thereof. | Damages. | Other suits for money or movables not already mentioned. | Total. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| **COURTS IN THE INTERIOR.** | | | | | | | | | | | |
| **I.—Civil Courts.** | | | | | | | | | | | |
| Unpaid Tribunals | | | | | | | | | | | |
| Village Courts | | | | | | | | | | | |
| Paid Sub-divisional Tribunals. { Under ordinary procedure. | | | | | | | | | | | |
| Paid Sub-divisional Tribunals. { Under Small Cause Court powers | | | | | | | | | | | |
| Small Cause Courts { As Small Cause Court Judges | | | | | | | | | | | |
| Small Cause Courts { Under powers of Subordinate Judge | | | | | | | | | | | |
| District Courts other than Chief Courts of Districts. { Under ordinary procedure | | | | | | | | | | | |
| District Courts other than Chief Courts of Districts. { Under Small Cause Court powers | | | | | | | | | | | |
| Chief Courts of Districts | | | | | | | | | | | |
| Total | | | | | | | | | | | |
| **II.—Revenue Courts.**[1] | | | | | | | | | | | |
| Unpaid Tribunals | | | | | | | | | | | |
| Other Subordinate Courts | | | | | | | | | | | |
| District Courts—Collector's | | | | | | | | | | | |
| Total | | | | | | | | | | | |
| Grand Total for Courts in the interior | | | | | | | | | | | |
| **COURTS AT THE PRESIDENCY.** | | | | | | | | | | | |
| Presidency Small Cause Court | | | | | | | | | | | |
| Superior Courts of General Jurisdiction | | | | | | | | | | | |
| Superior Courts of Special Jurisdiction. { Admiralty | | | | | | | | | | | |
| Superior Courts of Special Jurisdiction. { Testamentary | | | | | | | | | | | |
| Superior Courts of Special Jurisdiction. { Matrimonial | | | | | | | | | | | |
| Total | | | | | | | | | | | |

[1] Judicial work only is to be entered. Where the duties
[2] Uncontested Probate Cases are not to be entered as
[3] Give in the margin details showing the nature of the

MENT 2—(CIVIL).

*in the Civil and Revenue Courts in the* *in the year 18*

| SUITS UNDER THE RENT LAW. | | | | | | | | | TITLE AND OTHER SUITS. | | | | | | | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Arrears of Rent with or without Ejectment or cancelment of lease. | Enhancement or Abatement of Rent. | Relating to Distraint. | Damages for Extortion, or for withholding Receipts, or on account of Illegal Restraint, or other cause. | For Pottahs or Kabuliyats. | For Ejectment or Recovery of Possession. | For Recovery of Money or Accounts from Agents. | All other suits under the Rent Law not included above. | Total. | Suits for Immovable Property. | Suits for Declaratory Decrees. | Other suits under the Specific Relief Act. | Suits to declare and establish rights to Real Property, including Pre-emption, Foreclosure, &c. | Suits to declare and establish Personal rights. | Suits for an Account. | Suits relating to Religious Endowments. | Suits to set aside Judgments, Contract or Obligations on the ground of Fraud. | Suits for Dissolution of Marriage. | Suits for Enforcement of Matrimonial Rights. | Suits for Partition. | Suits relating to Shipping. | Suits relating to Religion and Caste. | Administration suits. | Interpleader suits. | Dissolution of Partnership. | Suits under section 261, Act X of 1865, (also Hindu Wills Act).[a] | Other suits not falling under any of the previous heads.[a] | Total | GRAND TOTAL. |
| 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 | 35 | 36 | 37 | 38 | 39 | 40 | 41 |

of the Revenue Courts are purely executive, this part of the Statement will be blank.
suits but as Miscellaneous Cases.
Suits entered here.

No. 19.

## ANNUAL STATE

*Statement showing Number and Value of Suits instituted in the Civil*

| Class of Courts | NUMBER OF SUITS INSTI | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|
| | Value not exceeding Rs. 10. | | | Value not exceeding Rs 50. | | | Value not exceeding Rs 100. | | |
| | Suits for Money or Movables. | Suits under the Rent Law | Title and other suits. | Suits for Money or Movables. | Suits under the Rent Law. | Title and other suits. | Suits for Money or Movables. | Suits under the Rent Law. | Title and other suits. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| COURTS IN THE INTERIOR. | | | | | | | | | |
| I.—Civil Courts. | | | | | | | | | |
| Unpaid Tribunals | | | | | | | | | |
| Village Courts | | | | | | | | | |
| Paid Sub divisional Tribunals. — Under ordinary procedure | | | | | | | | | |
| Paid Sub divisional Tribunals. — Under Small Cause Court powers | | | | | | | | | |
| Small Cause Court — As Small Cause Court Judges | | | | | | | | | |
| Small Cause Court — Under powers of Subordinate Judge | | | | | | | | | |
| District Courts other than Chief Courts of Districts — Under ordinary procedure | | | | | | | | | |
| District Courts other than Chief Courts of Districts — Under Small Cause Court powers | | | | | | | | | |
| Chief Courts of Districts | | | | | | | | | |
| Total | | | | | | | | | |
| II.—Revenue Courts [1] | | | | | | | | | |
| Unpaid Local Tribunals | | | | | | | | | |
| Other Subordinate Courts | | | | | | | | | |
| District Courts—Collectors | | | | | | | | | |
| Total | | | | | | | | | |
| Grand Total for Courts in the interior | | | | | | | | | |
| COURTS AT THE PRESIDENCY. | | | | | | | | | |
| Presidency Small Cause Court | | | | | | | | | |
| Superior Courts of General Jurisdiction | | | | | | | | | |
| Superior Courts of Special Jurisdiction — Admiralty | | | | | | | | | |
| Superior Courts of Special Jurisdiction — Testamentary | | | | | | | | | |
| Superior Courts of Special Jurisdiction — Matrimonial | | | | | | | | | |
| Total | | | | | | | | | |

[1] See note [4] at foot of

MENT 3—(CIVIL).

*and Revenue Courts in the* *in the year 18*

TUTED IN THE DIFFERENT COURTS.

| Value not exceeding Rs 500. | | | Value not exceeding Rs 1,000. | Value not exceeding Rs. 5,000. | Value not exceeding Rs 10,000 | Value not exceeding Rs. 1,00,000. | Value exceeding Rs 1,00,000. | The value of which cannot be estimated in money. | Total. | Total value of suits. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Suits for Money or Movables. | Suits under the Rent Law | Title and other suits | | | | | | | | | |
| 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 |
| | | | | | | | | | | | |

Statement I, Part III.

No. 20.

ANNUAL STATE

*Statement showing the General Result of the trial of Civil and Revenue cases*

Part I.—

| Class of Courts. | NUMBER OF SUITS BEFORE THE COURTS. | | | | | | |
|---|---|---|---|---|---|---|---|
| | Pending from last year. | Instituted[1] in | Received by transfer from other Courts. | Remanded under Section 562 of Act X of 1877. | Reviews under Section 626. | Revived under Section 99, 103, 108, or 371. | Total for disposal. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| **COURTS IN THE INTERIOR.** | | | | | | | |
| **I.—Civil Courts.** | | | | | | | |
| Unpaid Tribunals | | | | | | | |
| Village Courts | | | | | | | |
| Paid Sub-divisional Tribunals. — Under ordinary procedure | | | | | | | |
| Paid Sub-divisional Tribunals. — Under Small Cause Court powers | | | | | | | |
| Small Cause Courts — As Small Cause Court Judges | | | | | | | |
| Small Cause Courts — Under powers of Subordinate Judge | | | | | | | |
| District Courts other than Chief Courts of Districts. — Under ordinary procedure | | | | | | | |
| District Courts other than Chief Courts of Districts. — Under Small Cause Court powers | | | | | | | |
| Chief Courts of Districts | | | | | | | |
| Total of each class[4] for Civil Courts. — Suits for money or movables | | | | | | | |
| Total of each class[4] for Civil Courts. — Ditto under the Rent Law | | | | | | | |
| Total of each class[4] for Civil Courts. — Title and other Suits | | | | | | | |
| Total | | | | | | | |
| **II.—Revenue Courts.** | | | | | | | |
| Unpaid Local Tribunals | | | | | | | |
| Other Subordinate Courts | | | | | | | |
| District Courts—Collectors | | | | | | | |
| Total | | | | | | | |
| Grand Total for Courts in the interior | | | | | | | |
| **COURTS AT THE PRESIDENCY.** | | | | | | | |
| Presidency Small Cause Court | | | | | | | |
| Superior Courts of General Jurisdiction | | | | | | | |
| Superior Courts of Special Jurisdiction. — Admiralty | | | | | | | |
| Superior Courts of Special Jurisdiction. — Testamentary | | | | | | | |
| Superior Courts of Special Jurisdiction. — Matrimonial | | | | | | | |
| Total | | | | | | | |

[1] The entries in this column are meant to show new institutions only, and should agree with are to be reckoned as "instituted." Plaints rejected before registration are not to be entered

[2] Only those plaints which are rejected after registration should be entered in this column.

[3] In calculating average duration, the time cases may have been pending owing to proceedings revival.

[4] The classification adopted in Statement 2 is to be followed.

NOTE.—New Column (23) added by Circular Order No. 3 of 7th January 1880.

MENT 4—(CIVIL).

*in the Courts of Original Jurisdiction in the* *in the year 18*

**Civil Suits.**

| | NUMBER OF SUITS DISPOSED OF | | | | | | | | | | | | | AVERAGE DURATION OF SUITS.[5] | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | WITHOUT TRIAL. | | | WITHOUT CONTEST. | | | | ON REFERENCE TO ARBITRATION. | | WITH CONTEST.[4] | | | | CONTESTED. | | | UNCONTESTED. | | | |
| Transferred to other Courts. | Plaint rejected or returned.[3] | Dismissed for default or want of prosecution. | Withdrawn with leave. | Compromised. | Decreed on confession. | Decreed *ex-parte*. | Dismissed *ex-parte*. | For plaintiff. | For defendant. | Judgment for plaintiff in whole or part. | Judgment for defendant. | Total disposed of, omitting transfers. | Pending at close of year. | Number of cases pending more than three months at the close of the year. | Number of cases. (Columns 17 to 20.) | Aggregate number of days occupied in trial. | Average number of days. | Number of cases. (Columns 10 to 16.) | Aggregate number of days occupied in trial. | Average number of days. | REMARKS. |
| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 |
| | | | | | | | | | | | | | | | | | | | | | |

Statements 2 and 3. Only suits which have been admitted and registered (Section 58, Act X of 1877) in this Statement.

in review or on remand is to be omitted. Revived suits are to be treated as if newly instituted on

No 21.

ANNUAL STATE

*Statement showing the General Result of the Trial of Civil and Revenue in the*

**Part II.—Miscellaneous**

| CLASS OF COURTS. | Suits remaining from last year | Instituted in. | RECEIVED OTHERWISE | | | | Total for disposal | Transferred to other Courts. |
|---|---|---|---|---|---|---|---|---|
| | | | Received by transfer from other Courts | Remanded under Section 562 of Act X of 1877. | Reviewed under Section 626. | Revived under Sections 99, 103, 108. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| **COURTS IN THE INTERIOR.** | | | | | | | | |
| I.—CIVIL COURTS. | | | | | | | | |
| Unpaid Tribunals | | | | | | | | |
| Village Courts | | | | | | | | |
| Paid Sub-divisional Tribunals | | | | | | | | |
| Small Cause Courts { As Small Cause Court Judges | | | | | | | | |
| Small Cause Courts { Under powers of Subordinate Judge | | | | | | | | |
| District Courts other than Chief Courts of District | | | | | | | | |
| Chief Courts of Districts | | | | | | | | |
| TOTAL | | | | | | | | |
| II.—REVENUE COURTS. | | | | | | | | |
| Unpaid Local Tribunals | | | | | | | | |
| Other Subordinate Courts | | | | | | | | |
| District Courts—Collectors | | | | | | | | |
| TOTAL | | | | | | | | |
| GRAND TOTAL FOR COURTS IN THE INTERIOR | | | | | | | | |
| **COURT AT THE PRESIDENCY.** | | | | | | | | |
| Presidency Small Cause Court | | | | | | | | |
| Superior Courts of General Jurisdiction | | | | | | | | |
| TOTAL | | | | | | | | |

*Note.*—New column (23) added by

MENT 4—(CIVIL).

*Cases in the Courts of Original Jurisdiction in the year 18*

**Cases (Judicial).**

| DISPOSED OF | | | | | | | | | | | Total of columns 10 to 20, i. e., disposed of, omitting transfers. | Pending at close of year. | Number of cases pending more than three months at the close of the year | AVERAGE DURATION OF CASES IN COLUMN 21. | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| WITHOUT TRIAL. | | | WITHOUT CONTEST. | | | | ON REFERENCE TO ARBITRATION | | WITH CONTEST. | | | | | Aggregate number of days occupied in trial. | Average number of days. | |
| Applications rejected or returned. | Dismissed for default or want of prosecution. | Withdrawn with leave | Compromised. | Decreed on confession. | Decreed *ex-parte*. | Dismissed *ex-parte*. | For plaintiff. | For defendant. | Judgment for plaintiff in whole or part. | Judgment for defendant. | | | | | | |
| 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| | | | | | | | | | | | | | | | | |

C. O. No. 3 of 7th January 1880.

ANNUAL STATE

*Statement showing the Business of the Civil and Revenue*

**Part I.—Appeals**

| CLASS OF COURTS. | Appeals remaining from last year. | Instituted in | OTHERWISE RECEIVED. Received by transfer from other Courts. | Reviews under Section 626 of Act X of 1877 | Remands under Section 562. | Revivals under Sections 558, 560. | Total for disposal. | Transferred to other Courts. | Appeals summarily rejected, Section 551. | Dismissed for default, Sections 556, 557, or otherwise not prosecuted. |
|---|---|---|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| COURTS IN THE INTERIOR. | | | | | | | | | | |
| APPEALS FROM ORIGINAL DECREES. | | | | | | | | | | |
| A.—CIVIL COURTS. | | | | | | | | | | |
| Chief Appellate Court other than Chief Court of District | | | | | | | | | | |
| Chief Appellate Courts of Districts | | | | | | | | | | |
| Superior Appellate Courts other than Chief Court of Province | | | | | | | | | | |
| TOTAL OF EACH CLASS[1] FOR CIVIL COURTS. — Appeals from Decisions in Suits for Money or Movables | | | | | | | | | | |
| TOTAL OF EACH CLASS[1] FOR CIVIL COURTS. — In Suits under the Rent Law | | | | | | | | | | |
| TOTAL OF EACH CLASS[1] FOR CIVIL COURTS. — In Title and other Suits | | | | | | | | | | |
| TOTAL | | | | | | | | | | |
| B.—REVENUE COURTS.[2] | | | | | | | | | | |
| Collectors' Appellate Courts | | | | | | | | | | |
| TOTAL | | | | | | | | | | |
| GRAND TOTAL FOR COURTS IN THE INTERIOR | | | | | | | | | | |
| COURTS AT THE PRESIDENCY. | | | | | | | | | | |
| APPEALS FROM ORIGINAL DECREES. | | | | | | | | | | |
| CHIEF COURT OF PROVINCE — From decisions by Courts in the Interior | | | | | | | | | | |
| CHIEF COURT OF PROVINCE — From decisions on the Original Side | | | | | | | | | | |
| TOTAL | | | | | | | | | | |
| APPEALS FROM APPELLATE DECREES. | | | | | | | | | | |
| CHIEF COURT OF PROVINCE. — From decisions by Appellate Courts in the Interior | | | | | | | | | | |
| CHIEF COURT OF PROVINCE. — From decisions of a single Judge or Bench on appeal in the Chief Court | | | | | | | | | | |
| TOTAL | | | | | | | | | | |

[1] The classification adopted in Statement 2 is to be followed.

MENT 5—(CIVIL).

*Appellate Courts of the* *in the year 18*

**from Decrees.**

| Heard *ex parte*. | | | | Contested. | | | | Total disposed of, omitting transfers. | Pending. | Of these pending more than three months. | Average Duration of Appeals in Column 20. | | Objections under Section 561 of Act X of 1877. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Confirmed. | Modified. | Reversed. | Remanded under Section 562. | Confirmed. | Modified. | Reversed. | Remanded under Section 562. | | | | Aggregate number of days the appeals were pending. | Average number of days pending. | | |
| 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| | | | | | | | | | | | | | | |

[a] See Note * at foot of Statement 1, Part III.

No. 23.

ANNUAL STATE

*Statement showing the business of the Civil and Revenue Appellate*

Part II.—Miscellaneous

| Class of Courts. | Appeals remaining from last year. | Instituted in | Otherwise received. | | | |
|---|---|---|---|---|---|---|
| | | | Received by transfer from other Courts. | Reviews under Section 636 of Act X of 1877. | Remands under Section 562. | Restored to file under Sections 558, 560. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| **COURTS IN THE INTERIOR.** | | | | | | |
| First Appeals. | | | | | | |
| A.—Civil Courts. | | | | | | |
| Chief Appellate Court other than Chief Court of District<br>Chief Appellate Courts of Districts . . . . .<br>Superior Appellate Court other than Chief Court of Province. | | | | | | |
| Total . . . | | | | | | |
| B.—Revenue Courts. | | | | | | |
| Collectors' Appellate Courts . . . . . | | | | | | |
| Total . . . | | | | | | |
| Grand Total for Courts in the interior . . | | | | | | |
| **COURTS AT THE PRESIDENCY.** | | | | | | |
| First Appeals. | | | | | | |
| Chief Court of Province. { From decisions by Courts in the interior<br>From decisions on the Original Side | | | | | | |
| Total . . . | | | | | | |
| Second Appeals. | | | | | | |
| Chief Court of Province. { From decisions by Appellate Courts in the Interior.<br>From decisions of a single Judge or Bench on Appeal in the Chief Court. | | | | | | |
| Total . . . | | | | | | |

MENT 5—(CIVIL).

*Courts of the* *in the year '18*

**Appeals (Judicial).**

| Total for disposal. | Transferred to other Courts. | Appeals summarily rejected, Section 551 | Dismissed for default or otherwise not prosecuted. | Heard *ex parte* | | | | Contested. | | | | Total disposed of, omitting transfers | Pending. | Of these pending more than three months | Average duration of Appeals in Column 20. | | Objections under Section 561 of Act X of 1877. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Confirmed. | Modified | Reversed | Remanded under Section 562. | Confirmed | Modified. | Reversed | Remanded under Section 562. | | | | Aggregate number of days the appeals were pending. | Average number of days pending | | |
| 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |

No. 24.

ANNUAL STATE

*Statement showing the Result of Proceedings on Applications for the Execution of the*

| Class of Courts | Number of Applications dealt with. | | | | | Applications disposed of[2] | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Filed.[1] | | | | Transferred | | | | | | |
| | Pending at the end of | The decrees being those of the Court where execution is taken out. | The decrees being those of other Courts transferred for execution.[3] | Restored to the file for any cause. | Total | To another Court under Section 223. | To the Collector under Section 320. | Wholly or partly satisfied. | Wholly infructuous. | Total. | Pending at the end of | Number of applications pending more than three months at the close of the year. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| **COURTS IN THE INTERIOR.** | | | | | | | | | | | | |
| I.—Civil Courts. | | | | | | | | | | | | |
| Unpaid Tribunals | | | | | | | | | | | | |
| Village Courts | | | | | | | | | | | | |
| Paid sub-divisional Tribunals | | | | | | | | | | | | |
| Small Cause Courts | | | | | | | | | | | | |
| District Courts other than Chief Courts of Districts | | | | | | | | | | | | |
| Total | | | | | | | | | | | | |
| II.—Revenue Courts. | | | | | | | | | | | | |
| Unpaid Local Tribunals | | | | | | | | | | | | |
| Other Subordinate Courts | | | | | | | | | | | | |
| District Courts—Collectors | | | | | | | | | | | | |
| Total | | | | | | | | | | | | |
| Grand Total for Courts in the interior | | | | | | | | | | | | |
| **COURTS AT THE PRESIDENCY.** | | | | | | | | | | | | |
| Presidency Small Cause Courts | | | | | | | | | | | | |
| Superior Courts of General Jurisdiction | | | | | | | | | | | | |
| Superior Courts of Special Jurisdiction — Admiralty | | | | | | | | | | | | |
| Superior Courts of Special Jurisdiction — Testamentary | | | | | | | | | | | | |
| Superior Courts of Special Jurisdiction — Matrimonial | | | | | | | | | | | | |
| Total | | | | | | | | | | | | |

[1] Including verbal applications under Section 258

[2] The following cases only are to be entered—(1) those in which, after transfer, an application has been Court to a subordinate Court of its own motion after an application for execution under Section 230 has been filed

[3] *N B*—This statement deals only with cases in which an application for execution has been made.

[4] In column of Remarks state how execution was effected in any case entered here.

MENT 6—(CIVIL).

*Decrees of the Civil and Revenue Courts in the* *in the year 18*

| Details of entries in Column 9 [8] | | | | | | Amount realized [8] | | NUMBER OF APPLICATIONS | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | On which his immovable property | | On which his immovable property | | | | On which possession was given | | | | |
| Satisfaction obtained in full. | Satisfaction obtained in part. | Satisfaction obtained through the Court. | Adjusted under Section 258 | Satisfaction obtained with the issue of process. | Ditto without the issue of process | With the issue of process. | Without the issue of process. | On which the judgment debtor was imprisoned. | On which he was arrested under Section 336, but released without imprisonment | Was sold. | Was attached, but subsequently released under Section 275. | Was sold. | Was dealt with under Section 325, 322, or 326 | Was attached, but subsequently released under Section 275 | On which Specific Performance was enforced. | Of Movables, Section 259. | Of Immovables, Sections 263 and 264 | On which Partition was effected Section 265 | On which Execution was effected, otherwise than in the preceding columns. | Remarks. Note the number of entries in columns 4 and 6, where the decrees have been transferred from or to another Province. |
| 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |

made for execution under Section 230, and (2) those in which a decree has been transferred for execution by a superior and execution ordered under Section 246.

No. 16.

# ANNUAL STATEMENT 7—(CIVIL),

*Proceedings in Insolvency under Chapter XX of Act X of 1877, in the District of* *during the year 18*

PART I.—Showing the number and result of Applications under Section 341, and the number of Insolvents before the Court.

| CLASS OF COURTS. | APPLICATIONS FOR A DECLARATION OF INSOLVENCY. | | | | | | | | | | | | | | | PERSONS DECLARED TO BE INSOLVENT. | | | | | | | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | NUMBER OF APPLICATIONS DEALT WITH | | | | | | APPLICATIONS DISPOSED OF | | | | | | | | | NUMBER OF INSOLVENTS BEFORE THE COURT. | | | | DISPOSED OF. | | | | | |
| | Pending at the close of the previous year. | Filed during the year. By judgment debtors. Under Arrest or Imprisonment. | Filed during the year. By judgment debtors. Not under Arrest or Imprisonment. | By Decree holders. | Received by transfer. | TOTAL. | Transferred. | Withdrawn or otherwise not prosecuted. | Granted. A Receiver being appointed. | Granted. A Receiver not being appointed. | Rejected. Penal Proceedings under Section 359 not being taken. | Rejected. Sentence of imprisonment being passed under Section 359. | Rejected. Applicant being sent to the Magistrate to be dealt with. | TOTAL. | Pending at the close of the year. | Remaining at the close of the previous year. | Declared to be Insolvents during the year. | Received by transfer. | Total. | Transferred. | Died. | Discharged. Under Section 351. | Discharged. Under Section 355. | Remaining at the close of the year. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 | 26 |
| Courts other than Chief Court of Districts, specially empowered. | | | | | | | | | | | | | | | | | | | | | | | | | |
| Chief Courts of Districts | | | | | | | | | | | | | | | | | | | | | | | | | |
| Superior Courts | | | | | | | | | | | | | | | | | | | | | | | | | |
| TOTAL | | | | | | | | | | | | | | | | | | | | | | | | | |

NOTE.—This return must be submitted both half-yearly and annually.—(*C. O. No. 3 of 7th January* 1880.)

## ANNUAL STATEMENT 7—(CIVIL).

*Proceedings in Insolvency under Chapter XX of Act X of 1877, in the District of* *during the year* 18

PART II.—Showing the number of Estates in the hands of Receivers and the progress made in winding them up.

| NAME OF COURT. | NUMBER OF INSOLVENTS' ESTATES IN THE HANDS OF RECEIVERS. | | | | AMOUNT OF CREDITORS' CLAIMS DEALT WITH DURING THE YEAR. | | | | | AMOUNT OF INSOLVENTS' ASSETS REALIZED AND OUTSTANDING. | | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Pending at the close of the previous year. | Placed in charge of a Receiver during the year. | Number of estates in regard to which proceedings were finally closed during the year. | Pending at the close of the year. | Unsatisfied and pending at the close of previous year. | Admitted. | Disallowed. | Satisfied. | Unsatisfied and pending at the close of the year. | Amount of realized assets in the hands of Receivers at the close of the previous year. | Gross amount realized during the year. | Total amount of disbursements. | Amount remaining in the hands of Receivers at the close of the year | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 |
| Courts other than Chief Courts of Districts, specially empowered. | | | | | | | | | | | | | | |
| Chief Courts of Districts. | | | | | | | | | | | | | | |
| Superior Courts . | | | | | | | | | | | | | | |
| TOTAL . . | | | | | | | | | | | | | | |

No. 25.

## ANNUAL STATEMENT 8—(CIVIL AND CRIMINAL).

*Statement showing the use of Juries and Assessors in the Civil and Criminal Courts in the* *in the year 18*

| Classes of Courts in which Jurors or Assessors are employed, distinguishing Criminal from Civil Courts. | Established or average number of Jurors or Assessors in each case, and prescribed qualification. | Number of cases tried by Jury. | Number of cases tried with Assessors. | Jury Trials. | | | | | Assessors' Trials | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | Cases in which the Judge approved of the verdict. | Cases in which the Judge did not approve of the verdict. | | Number of Persons of the verdict in respect to whom the Judge disapproved. | | Number of cases in which Judges agreed with Assessors. | Number of cases in which Judges differed from | | (Note in what classes of cases Juries and Assessors are employed.) |
| | | | | | Wholly. | Partially. | Whose cases he referred under Section 263, C. P. C. | Whose cases he did not refer under Section 263, C. P. C. | | One Assessor. | Both Assessors. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 |
| I.—CIVIL COURTS. | | | | | | | | | | | | |
| Chief Court of District (or officers specially empowered) acting under Act X of 1870. — Assessors | | | | | | | | | | | | |
| II.—CRIMINAL COURTS. | | | | | | | | | | | | |
| Magistrates' Courts under Chapter XXXIX, C. P. C. — Jurors | | | | | | | | | | | | |
| Courts of Session — Jurors | | | | | | | | | | | | |
| Courts of Session — Assessors | | | | | | | | | | | | |
| High Court, Original Criminal Jurisdiction. — Jurors | | | | | | | | | | | | |
| Total | | | | | | | | | | | | |

No. 26.

# COMPARATIVE TABLE I—(CIVIL).

## ORIGINAL JURISDICTION.

*Table showing the Number of Suits Instituted, Disposed of, and Pending in each of the Civil Courts of the District of during the Past as compared with the Preceding year.*

| DETAIL OF COURTS. | INSTITUTED.[1] | | DISPOSED OF.[2] | | PENDING.[3] | | REMARKS. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |
| TOTAL { Regular Civil Courts<br>Small Cause Courts | | | | | | | |

[1] Column 3, Annual Statement 4, Part I. [2] Column 21 of ditto. [3] Columns 2 and 22 of ditto.

No 27.

# COMPARATIVE TABLE II—(CIVIL).

## ORIGINAL JURISDICTION.

*Table showing the Number and Value of each class [1] of Suits Instituted in each of the Civil Courts of the District of during the Past as compared with the Preceding year.*

| Detail of Courts. | Number of Suits. | | | | | | Value of Suits. | | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 18 . | | | 18 . | | | 18 . | | | 18 . | | | |
| | For Money or Movables. | Suits under the Rent Law. | Title and other suits. | For Money or Movables | Suits under the Rent Law | Title and other suits. | For Money or Movables. | Suits under the Rent Law. | Title and other suits. | For Money or Movables. | Suits under the Rent Law. | Title and other Suits. | |
| 1 | 2 | 3. | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |
| Total { Regular Civil Courts . . | | | | | | | | | | | | | |
| Total { Small Cause Courts . . | | | | | | | | | | | | | |

[1] The classification adopted in Annual Statement 2 must be followed.

No. 28.

# TABLE III—(CIVIL).

## ORIGINAL JURISDICTION.

*Table showing the manner of Disposal of Suits of each Class*[1] *in the Civil Courts of* *in the year 18*

| Detail of Courts. | Suits for Money or Movables. | | | Suits under the Rent Law. | | | Title and other Suits. | | | Total. | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Withdrawn,[2] compromised, confessed, &c. | Decided *ex-parte*. | Contested.[2] | Withdrawn,[3] compromised, confessed, &c. | Decided *ex-parte*. | Contested.[3] | Withdrawn,[3] compromised, confessed, &c. | Decided *ex-parte*. | Contested.[3] | Withdrawn,[3] compromised, confessed, &c. | Decided *ex-parte*. | Contested.[3] | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| | | | | | | | | | | | | | |
| Total { Regular Civil Courts . | | | | | | | | | | | | | |
| Total { Small Cause Courts . | | | | | | | | | | | | | |

[1] The classification in Annual Statement 2 is to be followed. [2] Columns 10 to 14, Annual Statement 4, Part I. [3] Columns 17 to 20 of the same.

No. 29.

## TABLE IV—(CIVIL.)

### ORIGINAL JURISDICTION

*able showing the number of Applications for an Order to set aside an* Ex-parte *Judgment or a Judgment on Default Preferred, Disposed of, and Pending in the year 18 .*

| NAME OF COURT | PREFERRED. | | | DISPOSED OF. | | | PENDING | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| | To set aside *ex-parte* judgment | To set aside judgment on default | Total. | Applications granted | Applications rejected | Total | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |
| TOTAL | | | | | | | | |

No. 30.

# TABLE V—(CIVIL).

## ORIGINAL JURISDICTION.

*Table showing the number of Applications for the execution of Decrees Disposed of, in which satisfaction was obtained in whole or in part; and the Amount Realized in the Civil Courts of the District of during the year 18 .*

| DETAIL OF COURTS. | NUMBER OF APPLICATIONS ON WHICH REALIZATIONS WERE MADE | | | | AMOUNT REALIZED. | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| | In full satisfaction of decree.[1] | In part satisfaction of decree.[2] | With process.[3] | Without process.[4] | With process.[5] | Without process.[6] | Total. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |
| TOTAL { Regular Civil Courts | | | | | | | | |
| TOTAL { Small Cause Courts | | | | | | | | |

[1] Column 13 of Annual Statement 6. [2] Column 14 of Annual Statement 6. [3] Column 17 of Annual Statement 6.
[4] Column 18 of ditto. [5] Column 19 of ditto. [6] Column 20 of ditto.

No. 31.

# COMPARATIVE TABLE VI—(CIVIL).

## ORIGINAL JURISDICTION.

*Table showing the number of Miscellaneous Cases of a Judicial Nature Instituted, Disposed of, and Pending in each of the Courts of the District of during the Past as compared with the Preceding year.*

| Detail of Courts. | Instituted.[1] | | Disposed of.[2] | | Pending.[3] | | Remarks. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Total . . | | | | | | | |

[1] Column 3, Statement 4, Part II. [2] Column 21 of ditto. [3] Columns 2 and 22 of ditto.

No. 32.

## COMPARATIVE TABLE VII—(CIVIL).

### ORIGINAL JURISDICTION.

*Table showing the number of Miscellaneous Cases of a Non-judicial Nature Instituted, Disposed of, and Pending in each of the Courts of the District of during the Past as compared with the Preceding year.*

| DETAIL OF COURTS. | INSTITUTED. | | DISPOSED OF. | | PENDING. | | REMARKS. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |
| TOTAL . . | | | | | | | |

No. 33.

## COMPARATIVE TABLE VIII—(CIVIL).

### APPELLATE JURISDICTION.

*Table showing the number of Appeals from Decisions in Regular Suits Instituted, Disposed of, and Pending in the Civil Appellate Courts of the District of during the Past as compared with the Preceding year.*

| Detail of Courts. | Instituted [1] | | Disposed of [2] | | Pending. [3] | | Remarks. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |
| Total . . | | | | | | | |

[1] Column 3 of Annual Statement 5, Part I. [2] Column 20 of ditto. [3] Columns 2 and 21 of ditto.

# TABLE IX—(CIVIL).

## APPELLATE JURISDICTION.

No. 34.

*Table showing the number of Appeals Preferred in the District Court against the Decrees of each of the Subordinate Civil Courts in the District of ; the Ratio of Appeals to Decisions; the Number of Decisions Affirmed; and the Ratio of Affirmed to Decided.*

| APPEALS FROM.[1] | Number of Decrees in contested Cases against which an Appeal lay to the District Court.[2] | Number of Appeals Preferred.[3] | Ratio per cent. of Appeals to Decisions in which an appeal lay. | Number of Appeals Decided on trial.[4] | Number of Decisions Affirmed. | Ratio per cent of Affirmed to Decided on trial. | REMARKS. |
|---|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| Subordinate Judges . . . . | | | | | | | |
| Munsifs . . . . . | | | | | | | |
| TOTAL . . . | | | | | | | |

[1] It is not necessary to exhibit separately the work of individual officers. Give total figures for each Court.
[2] Cols. 19 and 20, Annual Statement 4, Part I, omitting (a) cases in which no appeal lay, and (b) cases in which the appeal lay to the High Court.
[3] Column 3 of Annual Statement 5, Part I.
[4] Cols. 10 and 12 to 19, Annual Statement 5, Part I.

No. 35.

# COMPARATIVE TABLE X—(CIVIL).

## APPELLATE JURISDICTION.

*Table showing the Number and Value of each Class* [1] *of Appeals Instituted in the District of* *during the Past as compared with the Preceding year.*

| Detail of Courts. | Number of Appeals instituted[2] | | | | | | Value of Appeals instituted. | | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | 18 . | | | 18 . | | | 18 . | | | 18 . | | | |
| | In suits for Money or Movables. | In suits under the Rent Law. | In Title and other suits. | In suits for Money or Movables. | In suits under the Rent Law. | In Title and other suits. | In suits for Money or Movables. | In suits under the Rent Law. | In Title and other suits. | In suits for Money or Movables. | In suits under the Rent Law. | In Title and other suits. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| Total . . | | | | | | | | | | | | | |

[1] The classification adopted in Annual Statement 2 is to be followed.

[2] Column 3, Annual Statement 5, Part I.

No. 36.

# TABLE XI—(CIVIL).

*Table showing the manner of Disposal of Appeals of each class*[1] *in the Civil Court of* *in the year 18*

| DETAIL OF COURTS. | IN SUITS FOR MONEY OR MOVABLES. | | | IN SUITS UNDER THE RENT LAW. | | | IN TITLE AND OTHER SUITS. | | | TOTAL. | | | REMARKS. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Dismissed for default or otherwise not prosecuted.[2] | Summarily rejected and heard *ex-parte*.[3] | Contested.[4] | Dismissed for default or otherwise not prosecuted.[2] | Summarily rejected and heard *ex-parte*.[3] | Contested.[4] | Dismissed for default or otherwise not prosecuted.[2] | Summarily rejected and heard *ex-parte*.[3] | Contested.[4] | Dismissed for default or otherwise not prosecuted.[2] | Summarily rejected and heard *ex-parte*.[3] | Contested.[4] | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 1 | 13 | 14 |
| | | | | | | | | | | | | | |
| TOTAL . . | | | | | | | | | | | | | |

[1] The classification, details of which are given in Annual Statement 2, must be adhered to.
[2] Column 11, Annual Statement 5, Part I.
[3] Columns 10 and 12 to 15 of Annual Statement 5, Part I.
[4] Columns 16 to 19 of Annual Statement 5, Part I.

No. 37.

# TABLE XII—(CIVIL).

*Table showing the number and value of Suits and Appeals of each class*[1] *instituted in the Civil Courts of* in *the year 18*

| Value of Suits. | Suits. | | | | | | Appeals | | | | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | For money or movables. | | Under the Rent Law. | | Title and other Suits. | | In Suits for money or movables. | | In Suits under the Rent Law. | | In Title and other Suits. | | |
| | Number.[2] | Value. | Number.[3] | Value. | Number.[3] | Value. | Number.[3] | Value. | Number.[3] | Value. | Number.[3] | Value. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
| Not exceeding . . Rupees 10 | | | | | | | | | | | | | |
| " . . " 50 | | | | | | | | | | | | | |
| " . . " 100 | | | | | | | | | | | | | |
| " . . " 500 | | | | | | | | | | | | | |
| " . . " 1,000 | | | | | | | | | | | | | |
| " . . " 5,000 | | | | | | | | | | | | | |
| " . . " 10,000 | | | | | | | | | | | | | |
| " . . " 1,00,000 | | | | | | | | | | | | | |
| Exceeding . . " 1,00,000 | | | | | | | | | | | | | |
| Value not denotable in money . . | | | | | | | | | | | | | |
| Total . . | | | | | | | | | | | | | |

[1] The classification adopted in Annual Statement 2 is to be followed. [2] Column 3 of Annual Statement 4, Part I. [3] Column 3 of Annual Statement 5, Part I.

No. 38.

# COMPARATIVE TABLE XIII—(CIVIL).

## APPELLATE JURISDICTION.

*Table showing number of Miscellaneous Appeals Instituted, Disposed of, and Pending in the several Courts of the District of during the Past as compared with the Previous year.*

| Detail of Courts. | Instituted.[1] | | Disposed of.[2] | | Pending.[3] | | Remarks. |
|---|---|---|---|---|---|---|---|
| | 18 . | 18 . | 18 . | 18 . | 18 . | 18 . | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
| | | | | | | | |
| Total . . | | | | | | | |

[1] Column 3 of Annual Statement 5, Part II. Column 20 of ditto. [3] Columns 2 and 21 of ditto.

No 39.

## TABLE XIV—(CIVIL).

*Table showing the Average Duration of Suits of each Class[1] disposed of in the Civil Courts of* *in the year* 18

N. B.—Fractions of days are to be omitted from this Statement.

| Detail of Courts | Duration of Suits, excluding pendency of proceedings in review or on remand. | | | Duration of Suits after application for a review of judgment. | | | Duration of Suits after order of remand under section 562 of Act X of 1877. | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| | Suits for money or Movables | Suits under the Rent Law. | Title and other suits. | Suits for money or Movables. | Suits under the Rent Law. | Title and other suits. | Suits for money or Movables. | Suits under the Rent Law. | Title and other suits. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | M. D. | M D. | M D. | M. D. | M. D. | M. D. | M. D. | M. D. | M. D. | |
| General Average . . | | | | | | | | | | |

The classification adopted in Annual Statement 2 is to be followed.

No 40.

# TABLE XV—(CIVIL).

*Table showing the Average Duration of Appeals of each Class*[1] *disposed of in the Civil Courts of in the year 18 .*

N. B.—Fractions of days are to be omitted from this Statement

| Detail of Courts. | Duration of Appeals, excluding pendency of proceedings in review or on remand | | | Duration of Appeals after application for review of Judgment | | | Duration of Appeals after order of remand under Section 562, Act X of 1877 | | | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| | In suits for Money or Movables | In suits under the Rent Law | In Title and other suits | In suits for Money or Movables. | In suits under the Rent Law. | In Title and other suits | In suits for Money or Movables | In suits under the Rent Law | In Title and other suits | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
| | M D. | M. D. | M. D. | M. D. | M. D. | M. D. | M D. | M D. | M D. | |
| General Average | | | | | | | | | | |

[1] The classification adopted in Annual Statement 2 is to be followed.

No. 42.

# TABLE XVI—(CIVIL).

*Table showing the number of Probates and Letters of Administration, and Certificates issued in* *during the year* 18

| Declared Value of Assets of Estates. | Number of Probates or Letters of Administration with Will annexed. | Amount of Court-fees paid on column 2. | Number of Letters of Administration without Will annexed. | Amount of Court-fees paid on column 4. | Number of Certificates under Act XXVII of 1860. | Amount of Court-fees paid on column 6. | Total | | Number of Letters of Administration cancelled and fresh Letters issued in lieu of the original. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | Number of Probates, Letters, and Certificates. | Amount of Court-fees paid. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 5 | 8 | 9 | 10 | 11 |
| Not exceeding Rs. 1,000 . . | | | | | | | | | | |
| ove Rs. 1,000 up to Rs. 5,000 | | | | | | | | | | |
| ,, ,, 5,000 ,, ,, 10,000 | | | | | | | | | | |
| ,, ,, 10,000 ,, ,, 50,000 | | | | | | | | | | |
| ,, ,, 50,000 ,, ,, 1,00,000 | | | | | | | | | | |
| bove Rs. 1,00,000 . . . | | | | | | | | | | |
| Total . . | | | | | | | | | | |

No. 42.

# TABLE XVII—(CIVIL).

*Statement showing Receipts and Disbursements on account of the employment of Ameens in the District of* *during the financial year 18* .

(C. O. No. 12, dated 8th April 1872, and C. M. No. 2, dated 28th January 1875.)

| NAME OF COURT. | Receipts on account of employment of Ameens permanently entertained. | Disbursements on account of Ameens permanently entertained. | Receipts on account of Ameens temporarily employed. | Disbursements on account of Ameens temporarily employed. | Amount received as fees paid for the employment of Moonsiffs as Commissioners. | Ameens permanently employed.[1] | | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | 1st grade | 2nd grade. | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |
| TOTAL . . | | | | | | | | |

[1] The number actually employed at the close of the year should be entered in these columns. In the column of remarks any variation in the number employed in the course of the year should be noted.

No. 43.

## TABLE XVIII—(CIVIL).

*Table showing Values of the different Classes of Suits in which Local Enquiry was completed in during the Calendar year 18*

| Scale of Values. | Number. | Aggregate Value. | Aggregate Cost of local enquiry. | | | | Aggregate number of days the local enquiry lasted.[2] | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | | | Daily fee paid on account of the employment of the Ameen. | Contingent charges.[1] | Tullubana for the issue of process by the Ameen. | Total. | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| Cases not exceeding Rs. 5 . . | | | | | | | | |
| Ditto „ 20 . . | | | | | | | | |
| Ditto „ 50 . . | | | | | | | | |
| Ditto „ 100 . . | | | | | | | | |
| Ditto „ 500 . . | | | | | | | | |
| Ditto „ 1,000 . . | | | | | | | | |
| Cases exceeding „ 1,000 . . | | | | | | | | |
| Total . . | | | | | | | | |

[1] Including travelling expenses, boat-hire, wages of peons and chainmen, postage and stationery charges, and other similar charges.
[2] The number of days the officers making them were on the spot, *plus* the time spent in going to and coming from it.

No. 44.

## TABLE XIX—(CIVIL).

*Table showing the names of the Uncovenanted Judicial Officers employed in the District of on the last day of the year 18 , and the Immovable Property held, acquired, or disposed of by them.*

INSTRUCTIONS.—Opposite the name of each officer enter (1) detail of property held in the district in which employed; (2) of property, if any, acquired during the year in any district; and (3) property, if any, which ceased to be held during the year in any district. In column 5 enter the mode of acquisition, whether by inheritance, gift, purchase, or otherwise, with date of acquisition.

| Name and official designation of Officer. | Name of District where land is situate | Nature of property and extent of interest held. | Whether held in his own name, or in the name of another, or by wife. | How acquired. | If held under superior landlord, his name and place of residence with district | REMARKS. |
|---|---|---|---|---|---|---|
| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
| | | | | | | |

**No. 45.**

*Annual Statement showing the number of Tenures sold by order of the Civil Courts in the District of. in the financial year 18 .*

| Nature of Tenure sold. | Number of Tenures sold entire. | Number of Tenures, a share in which only was sold | REMARKS. |
|---|---|---|---|
| 1 | 2 | 3 | 4 |
| ESTATES PAYING REVENUE TO GOVERNMENT— | | | |
| (a) paying more than Rs. 5,000 | | | |
| (b) " " Rs 1,000 and not more than R . 5,000. | | | |
| (c) paying more than Rs 200 and not more than Rs 1,000 | | | |
| (d) paying not more than Rs 200 . . | | | |
| ESTATES NOT PAYING REVENUE TO GOVERNMENT— | | | |
| (a) whose area is 1,000 acres and upwards . | | | |
| (b) " " 500 to 1,000 acres . | | | |
| (c) " " 100 to 500 " . . | | | |
| (d) " " less than 100 " . . | | | |
| INTERMEDIATE TENURES— | | | |
| (a) Putnee talooks of all grades, mocu rare tenures, and other tenures held in perpetuity | | | |
| (b) Intermediate tenures for terms of years | | | |
| RYOTS' HOLDINGS— | | | |
| (a) Holdings at fixed rates . . | | | |
| (b) Occupancy rights not at fixed rates | | | |
| (c) Other holdings . . . . | | | |
| TOTAL | | | |

NOTE.—For rules framed by the High Court in order to place Civil Courts in a position to fill up this form correctly, see Chapter I, Rule 7, pages 8 to 13, *ante*.

## STAMPS.

**123.** [*Act I of 1879—"The Indian Stamp Act"—Return of duty and penalty levied on instruments not duly stamped—C. O. No. 16 of 4th December 1876.*]—The accompanying form shall be used in making returns to Collectors on account of duty and penalty levied by Civil Courts on instruments which, though originally unstamped or insufficiently stamped, may be admitted under the provisions of sections 34-35 of the Indian Stamp Act.

*Certificate of Stamp Duty and Penalty levied in the Court of the _____ of _____ under the provisions of Section 34 & 35 of "the Indian Stamp Act," I of 1879.*

| 2 | | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 |
|---|---|---|---|---|---|---|---|---|---|---|
| Suit. | | Court by which Order is passed and date of Order | Name of the Party paying the Duty and Penalty. | Description of the Instrument with Date of Execution. | Amount of Duty levied. | Amount of Penalty levied. | Total of columns 6 and 7. | Date of realization. | Date of remittance to Treasury | Remarks. |
| Number. | Title. | | | | | | | | | |

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## CIVIL PROCEDURE CODE.

**124.** [*Section 58, C. C. P.—General Register of Suits—C. O. No. 18 of 10th September 1877.*]—To facilitate reference in the making up of Quarterly and Annual Statements, column 2 of the General Register of Suits[1] prescribed by section 58, Act X of 1877, shall be sub-divided into two columns. The first sub-column shall contain the consecutive number of the suit in the General Register; the second shall contain a subordinate serial number for all suits of the following kinds, *viz.*, (*a*) Small Cause Court class, and (*b*) suits for money, distinguishing suits up to Rs. 500 cognizable by Small Cause Courts from other cases.

**125.** [*Chapter XIV, C.C.P.—Register of Attendance of Witnesses—C. O. No. 14 of 7th April 1879.*]—The following form for a Register of the attendance of witnesses is prescribed for use in all Civil and Criminal Courts. The instructions annexed to the form will show the manner in which it is intended that the Register should be prepared and maintained.

[1] Form No. 116, Schedule IV, Act X, 1877. This form applies also to Mofussil Small Cause Courts.

*Register of the Attendance of Witnesses in Court of*

| Serial No. of witness. | Name of witness. | Number of case in Register and names of parties. | First appearance. | | Second appearance. | | Third appearance. | | Total number of days in attendance at Court. | | | | | | | Examined or not. | Initials of presiding officer. | Amount paid to witness for expenses. | Receipt of witness for expenses. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | Date of attendance. | Date of discharge. | Date of attendance. | Date of discharge. | Date of attendance. | Date of discharge. | One day. | Two days. | Three days. | Four days. | Five to seven days. | Eight to fifteen days. | More than fifteen days. | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 | 20 |
| | | | | | | | | | | | | | | | | | | | |

INSTRUCTIONS.—This Register shall show all witnesses (including complainants in the Criminal Courts) who attend for the purpose of being examined in any case. A witness is to be deemed to have made his appearance, if he is in attendance sufficiently early to allow of his deposition being recorded.

Columns 1 to 4 are to be filled in daily for every witness reported to be in attendance for the first time; column 5 is to be filled in when the witness is discharged for the first time; and columns 6 to 9 as may be necessary on account of the subsequent re-appearance and discharge of the same witness from time to time, until the case is terminated. If any witness re-appears after being three times discharged, a new series of entries in red ink must be made in columns 4 to 9 against his name immediately under the previous entries.

Columns 10 to 18 are to be filled up when the witness is finally discharged, the initials of the Presiding Officer being intended to vouch for the correctness of the entries.

The number of days to be entered in columns 10 to 16 will be calculated by reckoning the total number of days elapsing between each successive appearance and discharge, including the days on which these occurred.

In column 17 a distinctive mark should be made to show those witnesses who were finally discharged without examination, in order to assist in the preparation of the Annual Returns.

Any amount paid as expenses to witnesses should be entered in column 19; and, if the payment be made in Court, the witnesses' receipt should be taken at the time of payment in column 20.

**126.** [*Sections 194 to 197, C.C.P.—Quarterly Return of Oaths on Affidavits—G. L. No. 1 of 17th February* 1879.]—The Civil Courts shall submit a Quarterly Return in the following form, which is meant to show all oaths on affidavits administered in the Civil Courts subject to the superintendence of the High Court:—

*Return of Oaths on Affidavits administered in the Civil Courts of the District of during the quarter of 18 , showing the Amount of Fees realized under C. O. No. 32, dated 20th September 1878.*

| Name of Station[1] | Number of Oaths on Affidavits not chargeable with a fee. | Oaths on Affidavits chargeable with a fee. | | | | Number | Amount realized | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | | Affidavits compulsory under the Code of Civil Procedure | | Affidavits optional or not required by the Code of Civil Procedure | | | | |
| | | Number | Amount realized. | Number | Amount realized | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | | | | | | | | |
| Total | | | | | | | | |

[1] Total figures for all the Civil Courts to be shown against the name of each station.

# CHAPTER IV.

## RULES

MADE UNDER POWERS CONFERRED BY ACTS OTHER THAN THE 24 & 25 VIC., CAP. 104, AND THE CODE OF CIVIL PROCEDURE; OR MADE UNDER SECTION 647 READ WITH SECTION 652 OF, AND CONCERNED WITH ACTS OTHER THAN, SUCH CODE.

*N.B.*—The Acts in this Chapter are arranged in chronological order.

### ACT XIX OF 1841.

**1.** [*Forms for use on the appointment of Curators—C. O. No. 186 of 11th February 1842.*]—The subjoined forms are prescribed for use on the appointment of Curators in cases under Act XIX, 1841:—

(*a*) FORM OF ENGAGEMENT OF CURATOR.

I, A. B., having been appointed by the Judge of district , under the provisions of Act XIX of 1841, to take temporary possession of the property of the late C. D., do hereby solemnly promise and engage diligently and faithfully to discharge the trust committed to me, and to act in every respect according to the instructions given me and to the best of my judgment for the interest of the proprietors. I also promise to obey all orders of the Judge, regarding the institution or the defence of suits concerning or connected with the property committed to my charge. I further promise and engage to give acquittances for all sums of money collected by me, or debts or rents on account of the estate of the said C. D., and to render a true and just account for whatever may be received by me on account of the said estate, filing at the earliest practicable period an Inventory of the property received by me; and also monthly in the Judge's office accounts in abstract; and at the end of every three months; and on giving up possession of the property accounts in detail of my administration of the said property. I further promise and engage

to adhere strictly to such laws as may be passed for the guidance of Curators by the Governor General in Council, and to such orders as I may receive from the Judge, and to derive no personal advantage whatever, directly or indirectly, from the trust committed to me, beyond the allowance granted to me as stated in my *sunnud* of appointment.

A. B.

(*b*) FORM OF SECURITY BOND.

Whereas A. B. has been appointed by the Judge of district under the provisions of Act XIX of 1841, to take possession of the property of C. D., deceased: I, E. F., do hereby engage and bind myself to stand security, and to be answerable for the faithful discharge of his trust by the said A. B., agreeably to the terms of his *sunnud* of appointment, a copy of which has been duly delivered to me. I also bind myself, my heirs and successors, not to sell, give, or otherwise transfer or dispose of the property mentioned in the annexed Schedule, which I hereby pledge for the purposes of this engagement, until the conditions thereof have been completely fulfilled.

E. F.

*Schedule of Property.*

(*To follow here.*)

(*c*) FORM OF SUNNUD.

*Sunnud to A. B.*

Whereas you, A. B., have been appointed, under the provisions of Act XIX of 1841, to take temporary possession of the property of the late C D, you shall diligently and faithfully discharge the trust committed to you, and act in every respect according to the instructions given you and to the best of your judgment for the interest of the proprietors; you shall obey all orders of the Judge regarding the institution or the defence of suits concerning or connected with the property committed to your charge. You shall further receive payments of debts and rents due to the estate of the said C. D., until otherwise ordered; such power of collecting debts, however, to cease on the granting of a Certificate, or of Probate or Letters of Administration to the estate of the said C. D.; and you shall give acquittances for all sums of money collected by you as debts or rents on account of the estate of the said C. D., and you shall render a true and just account of whatever may be received by you on account of

the said estate, filing, at as early a period as practicable, an Inventory of the property received by you; and also monthly in the Judge's office accounts in abstract; and at the end of every three months, and on giving up possession of the property, accounts in detail of your administration of the said property. You shall further adhere strictly to such laws as may be passed for the guidance of Curators by the Governor General in Council, and to such orders as you may receive from the Judge; and you shall derive no personal advantage whatever, directly or indirectly, from the trust committed to you, beyond the allowance hereby granted to you of five per centum on the personal property and on the annual profits of the real property placed under your charge; and you shall exercise the power of Curator under this *sunnud* until the determination of the summary suit now pending respecting the right to possession of the said property, or until otherwise ordered by this Court.

*Schedule of Property placed under the Curator.*
(*To follow here.*)

## ACT XL OF 1858.

2 (*a*) [*Section 3, Act XL of 1858—Form of application for certificate—C. O. No. 2 of 28th January 1876.*]—Every application for a certificate under Act XL of 1858 shall be in the following form, with such variations as the circumstances of each case may require, and the certificate shall in every case show the date on which it will cease to have effect:—

IN THE CIVIL COURT OF THE DISTRICT OF

To

His Honor _____

*District Judge of* _____

*Dated the* — of 18

The humble petition of _____

_____

son of _____

resident of _____

district _____.

SHEWETH,

That A. B., son of C. D., resident of

district _____, is entitled to the property specified in the

Schedule hereunto annexed and marked A. (*or to a one-fourth share thereof, or as the case may be*), as the son and heir (*or as one of the four sons, or as the case may be*) of E. F., deceased (*or as a legatee under the will of E. F., deceased, or under a deed dated and made by E. F., or state how otherwise*).

That the value of the said property (*or of the said A. B.'s share therein*) is correctly set forth in the said Schedule A.

That the said A. B. is a minor, being of the age of years months and days.

That your petitioner is (*state the degree of relationship to, or connection with, the minor, or how otherwise the petitioner claims to be entitled to have charge of the minor's property*).

That your petitioner as such next of kin (*or state how otherwise*) claims to have charge of the said property in trust for the said A. B. during his minority.

That your petitioner therefore prays that a certificate of administration under section 3 of Act XL of 1858 may be granted to him.

And your petitioner, as in duty bound, &c.

I, the petitioner named in the above petition, do solemnly affirm that what is stated therein is true to the best of my information and belief.

(*Signature of petitioner*)

Solemnly affirmed this day of 18 before me.

*District Judge.*

(*b*) [*Sections 7, 10, and 11, Act XL of 1858—Forms of Certificate—C. O. No. 150 of 31st August 1859.*]—The subjoined forms of Certificate are prescribed for use in cases under Act XL of 1858 :—

(A.)

FORM OF CERTIFICATE UNDER SECTION 7, ACT XL OF 1858.

Whereas this Court has, under the provisions of section 7, Act XL of 1858, been pleased to appoint you, A. B., to administer to the estate of C. D., at present a minor, during the period of his minority, subject to the power of revocation vested in the Court by section 21 of the Act aforesaid, you are hereby authorized to take charge of the property of the minor in trust, to collect and pay all just debts,

claims, and liabilities due to or by the estate of the minor, to institute or defend suits connected with that estate, and generally to do and perform all acts which may be necessary to the due discharge of the trust vested in you: provided always that you shall not sell or mortgage any part of the estate belonging to the minor, and that you shall not grant any lease for a term exceeding five years without the express sanction of this Court previously obtained; and that you shall keep regular accounts of your receipts and disbursements, with all vouchers and other documents necessary to establish their correctness. (If the person administering is himself appointed guardian, then it should be "you are hereby further appointed guardian of the minor's person, and authorized to expend Rs. monthly on account of his maintenance and education")

---

(B.)

## FORM OF CERTIFICATE UNDER SECTION 10, ACT XL OF 1858.

Whereas this Court has, under the provisions of section 10, Act XL of 1858, appointed you, A. B., to be Public Curator (or Administrator) of the personal estate, including houses, gardens, and the like, belonging to C. D., a minor, and to continue to administer to such estate during his minority at a salary of Rs. , *or commission at per cent. on all sums received and disbursed by you on account of the minor*, subject to the power of revocation vested in the Court, you are hereby authorized to take charge of the aforesaid minor's property, to institute and defend all actions in connection with the property, and to do and perform all acts necessary to the due discharge of the trust vested in you; you are to deliver into this Court, within six months from this date, an Inventory of the immovable property belonging to the said C. D., and of all such sums of money, goods, and effects as you may have received on account of his movable estate, together with a statement of all debts ascertained or believed to be due to the said estate.

You are, within three months after close of the current year and of every succeeding year that you shall retain charge of the property of C. D., and also within three months of the termination of your trust, to furnish to this Court an accurate account of the property in your charge, and the sums received and disbursed on account thereof, and the balance in hand, together with the vouchers and other documents necessary to support the account. You are to exercise the same powers in regard to the management of the said

property as might be exercised by the proprietor, were he not a minor, and to collect and pay all just debts on account thereof. But you are not to sell or mortgage any part of the immovable property, nor to grant any lease thereof for a term exceeding five years, without the express orders of this Court previously obtained. You are hereby further authorized to pay Rs. monthly on account of the minor's education and maintenance to X. Y. Z., appointed his (or her) guardian under the orders of this Court dated

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(C.)

FORM OF CERTIFICATE UNDER SECTION 7 OR SECTION 11, ACT XL OF 1858.

Whereas, under section 7 (or section 11), Act XL of 1858, you have been appointed to be Guardian of C. D., now a minor, during the period of his minority, or until this Certificate be revoked, you are hereby required to take charge of the person of the said minor, and to provide suitably for his maintenance and education, for which purpose you will receive from the Public Curator (or Administrator of the estate) a monthly sum of Rs. , and you are hereby authorized to receive a personal allowance of Rs. per mensem as a remuneration for your trouble and responsibility.

(*c*) [*Accounts to be furnished by persons holding certificates under Section 10—Court-fees—C. Os. No. 25 of 15th September 1865, and No. 19 of 16th May 1866.*]—All persons holding certificates of administration under section 10 of Act XL of 1858 are required to furnish regularly the accounts required by section 16. If they fail to do so, they should be dealt with under sections 21 and 22 of the Act. The provisions of section 17 of the Act should also be most carefully attended to, and those of Art. 12, Schedule I of Act VII of 1870 must be strictly enforced, so that Government may not be defrauded of its stamp revenue.

(*d*) [*Persons holding certificates under section 7 not bound to file annual accounts, but such persons should keep accounts, &c.*]—When a certificate of administration

is granted under Act XL of 1858 to any person *entitled* to have charge of the property of a minor by virtue of a will or deed, or to any relative (section 7), such relative or other person is not required to file annual accounts under section 16, inasmuch as that section applies only to the Public Curator and other administrators to whom a certificate may have been granted under section 10. But under section 21 the Civil Court *for any sufficient cause* may recall *any certificate granted under the Act*, and may *then* compel the person whose certificate has been recalled to make over the property in his hands to his successor (to whom the Court has the power of granting a fresh certificate), and to account to such successor for all moneys received and disbursed by him, and on the neglect or refusal of such person to deliver his accounts and the property in his hands, the Court may under section 22 impose on him a fine not exceeding Rs. 500, realizable by attachment and sale of his property, and may commit the recusant to close custody until he shall consent to deliver such account or such property. Thus the Court has power, though not identical in both cases, over administrators under section 7, well as over those under Section 10.—(*e*) Thus, although administrators under Act XL of 1858, other than Public Curators and others appointed under section 10 cannot be required to *furnish* accounts annually, yet they are bound to *keep* regular accounts, and they may be sued (section 19) and compelled to produce them. Attention is, therefore, drawn to the duty rightly enjoined upon them in the certificate for which form (A) (above) has been provided. District Judges should omit no opportunity of reminding such persons of the duty of keeping accounts and of exercising a proper economy in carrying out their trusts.

## ACT XXVII OF 1860.[1]

**3.** (*a*) [*Applications for Certificates under Act XXVII of 1860 to be verified and to contain certain particulars—C.O. No. 7 of 21st February 1880.*]—Every application for a certificate under Act XXVII of 1860 shall be verified by the applicant himself, unless the Court, for special cause to be assigned, permits otherwise. The application shall contain the following particulars, *viz.*, that the person in respect of whose estate the certificate is applied for died on the ; that to the best of the declarant's knowledge and belief, debts amounting to not less than are due to the estate; that the deceased died testate or intestate, and if testate, shall state whether any executors were appointed, or if intestate, shall state who were the heirs of the deceased; and that the applicant is (describing the right or title by which he claims); that he apprehends difficulty in collecting the debts unless the certificate be granted; and that the application is made *bonâ fide* for the purposes of the Act, and not otherwise.

(*b*) [*Forms of Certificate under Act XXVII of 1860—C. O. No. 5 of 3rd March 1877.*]—The following forms of Certificate under Act XXVII of 1860 are prescribed for general use:—

(A.)

FORM OF CERTIFICATE UNDER ACT XXVII OF 1860 ENTITLING TO NEGOTIATE SECURITIES.

To

A. B.

Whereas, in pursuance of the orders of this Court, dated , in the matter of the estate of the late

---

[1] This act has been repealed, except as to Hindus, Muhammadans and Buddhists, and persons exempted from the operation of Act X of 1865.—(*Section 2, Act XXIV of 1867.*)

this Certificate is granted to you under the provisions of Act XXVII of 1860, you are hereby authorized and empowered to collect all debts due to the said , giving acquittances for all sums received by you.

You are further empowered to receive interest and dividends on the Government securities and on the Bank shares and other shares in public Companies noted below due to the said estate, and to negotiate and transfer such securities and shares.

You shall, after the expiration of twelve months from the date of this Certificate, and thereafter whenever this Court shall require you to do so, file a statement on oath of all moneys recovered or realized by you under this Certificate, failing which this Certificate may be cancelled.

You shall further adhere strictly to such laws as have been, or may be, passed by the Governor General in Council for the guidance of persons holding Certificates for the collection of debts due to the estates of deceased persons.

Government Promissory Notes

No.
of 18
of the per cent. loans
for Rs.

Share Certificates

No.
of 18
of the Bank, &c.

---

(B.)

## FORM OF CERTIFICATE UNDER ACT XXVII OF 1860 ENTITLING TO DRAW.

To

A B.

Whereas, in pursuance of the orders of this Court, dated , in the matter of the estate of the late this Certificate is granted to you under the provisions of Act XXVII of 1860, you are hereby authorized and empowered to collect all debts due to the said , giving acquittances for all sums received by you.

You are further empowered to receive interest and dividends on the Government securities and on the Bank shares and other shares in public Companies noted below due to the said estate.

You shall, after the expiration of twelve months from the date of this Certificate, and thereafter whenever this Court shall require you to do so, file a statement on oath of all moneys recovered or realized by on under this Certificate, failing which this Certificate may be cancelled.

You shall further adhere strictly to such laws as have been, or may be passed by the Governor General in Council for the guidance of persons holding Certificates for the collection of debts due to the estate of the deceased persons.

Government Promissory Notes

No.

of 18

of the per cent. loans

for Rs.

Share Certificates

No.

of 18

of the Bank, &c.

## ACT X OF 1865.

4. [*Act X of 1865—Rules for the Custody, Preservation, and Inspection of Wills—C. M. No. 34 of 3rd December 1867.*]—(*a*) All original Wills presented to a District Judge in accordance with the provisions of section 244, and Probate or Letters of Administration of which have been granted under sections 254 and 255 of Act X of 1865, shall be committed to the care of the Head Clerk or Chief Ministerial Officer of the Judge's Court, who shall be responsible for their safe custody.

(*b*) The said Officer shall, on the receipt of every original Will, cause a copy of the same to be carefully entered in a Register to be kept for that purpose, and shall also cause to be prepared an Alphabetical Index, in

which the name of the testator, &c., and the number and page of the Register in which a copy of the Will is entered, shall be recorded in the annexed form :—

| Name of Testator. | Residence, &c. | No. and year of Register. | Page. |
|---|---|---|---|
| | | | |

(*c*) The original Wills shall be deposited in a fire-proof safe, which shall be kept in the office room of the Head Clerk, or other Officer aforesaid, to whom the safe custody of the Wills may have been entrusted, or in some other safe place in which the records of the Judge's Court are ordinarily kept.

(*d*) Every inspection of original Wills or the Registers thereof, as well as applications for copies of Wills, shall be made within the hours fixed by the Judge, and published by a notification posted in a conspicuous place in the Court, and shall be subject to the conditions contained in the Rules next hereinafter following.

(*e*) The inspection of an original Will shall be allowed only on the written order of the Judge previously obtained, and shall take place in the presence of the Head Clerk, or other Officer who may have charge of the same, and that Officer shall be responsible for the Will not being taken out of his sight during such inspection, and also that no erasures or alterations are made in it.

(*f*) Application for a copy of an original Will shall be submitted to the Judge, and such copy shall only be

granted subject to the conditions which attach to the inspection of original Wills.

(*g*) The following fees shall be charged for the inspection of Wills, &c. :—

(i) For the inspection of an original Will, one rupee.

(ii) For the inspection of a copy of a Will in the Register, eight annas.

(iii) For copies, the same fee as for inspection, in addition to the copying charges, which shall be at the usual rate obtaining in the Civil Courts.

(*h*) A separate Register shall be kept for the entry of all applications for copies or inspection of Wills and Registers, in which shall be recorded the names of the applicants and the amount of fees paid by them in each case.

(*i*) The fees shall be at the disposal of Government, who shall assign such remuneration as it shall think proper in each case to the Officer entrusted with the custody of the Wills.

ACT XI OF 1865.—(*Mofussil Small Cause Courts.*)

**5.** (*a*) [*Section 14, Act XI of 1865—Circuits of a Judge of several Small Cause Courts—C. O. No. 21 of 26th June 1872.*]—Previous confirmation by Government of arrangements made under section 14, Act XI of 1865, is not necessary in order to give them legal validity. Arrangements as to the sittings of a Judge of two or more Small Cause Courts should be merely reported to the local Government through the High Court, the notification as to the times of circuit and dates of sitting appearing simultaneously in the *Calcutta Gazette* under

the signature of the Small Cause Court Judges themselves, "subject to the orders of Government."[1]

(*b*) [*Section 44, Act XI of 1865—The Clerk can sign requisitions to other Courts—C. O. No. 27 of 6th September 1864.*]—The Clerk of a Mofussil Small Cause Court, appointed under section 44, Act XI of 1865, is competent to sign requisitions to other Courts with a view to the service of process, provided that such requisitions shall issue *in the name* of the presiding Judge, and be signed as *by order* of that functionary.

(*c*) [*Section 46, Act XI of 1865—Rules of practice for Courts of Small Causes.*]—The following RULES OF PRACTICE shall be observed in COURTS OF SMALL CAUSES :—

Issue of summons—its contents.

(1) On presentation of a plaint duly verified in accordance with sections 48 to 52 of Act X of 1877, there shall issue, under the seal of the Court, a summons, which shall be numbered and dated of the day when issued, and shall set forth the names of the plaintiff and defendant, the cause of action, and the amount sued for.

Time of service. When returnable.

(2) The summons shall ordinarily be served on the defendant seven clear days before the day on which the Court shall be holden at which the cause is to be tried, unless the Court shall otherwise order; but a summons may be made returnable at a longer or a shorter date in the discretion of the Court, with reference to distance or to any other cause.

Receipt or Plaint-Note.

(3) A receipt or plaint-note shall, on the filing of the plaint, be given to the plaintiff, containing the number of the summons and of the suit in the Register Book, and no execution shall be issued, nor any money paid out of Court, except on production of the said receipt, or by order of the Judge.

Summons book and Register.

(4) The cause of action shall be transcribed from the plaint into the Summons Book, and the substance of the cause of action shall be entered in the Register

[1] These instructions were issued with the approval of His Honor the Lieutenant-Governor of Bengal, conveyed in letter No. 3601 of 14th June 1872.

Book[1]: both books shall be in the forms hereto annexed and marked A and B

Misnomer or error of description in summons.

(5) No misnomer or inaccurate description of any person or place in any such summons shall vitiate the same, if the person or place be therein described so as to be commonly known.

What to be entered in Summons Book.

(6) The substance of the evidence, the judgment, and the decree shall be entered in the Summons Book, as in form A given in the schedule hereto annexed.

Order for payment in instalments. Mode of execution.

(7) When any order is made for the payment of any debt or damages, costs, or other sums of money by instalments, the same shall be payable at the office of the Clerk, at such periods as the Court shall order, and if no order be made fixing the dates of payments of the instalments, then the first instalment shall become due at the expiration of one calendar month from the day of making the order, and every successive instalment at a like period of one calendar month from the day of the previous instalment becoming due; and after default in payment of any instalment, execution may be sued out for the whole amount then remaining unpaid, unless the Court shall otherwise order: provided that such execution shall not issue upon such default, if the instalment or instalments then due shall be paid into Court at any time before execution is applied for.

When defendant deposits sum decreed, and moves for new trial.

(8) In cases in which the defendant has moved the Court for a new trial, and has deposited the sum decreed against him, the Court shall detain the money until the new trial be granted, or until such other time as the Court shall order. In the event of notice not being given to the Court as aforesaid, or of the rule being refused, the plaintiff may take the money out of the Court without further delay.

(9) If the Court be of opinion that a new trial should be granted,[2]

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These books must be kept in English. Subordinate Judges and Munsiffs vested with S. C. C. powers under Section 29, Act VI of 1871 should keep the Summons Book and the "General Register of Suits" (Form No. 116, Schedule IV, and Section 58, Act X of 1877)—the latter in place of the Small Cause Court Register of Civil Suits.—(*C. O. No. 29 of 12th August 1880.*)

[2] When a new trial has been granted by a Judge of a Court of Small Causes under section 21, Act XI of 1865, the filing of a fresh plaint should not be required—(*C. O. No. 3 of 26th January 1872.*)

Duty of plaintiff. Consequence of default.

the plaintiff shall proceed to set his cause down for re-hearing within six days, unless some other time be granted by the Court, and, in default, the defendant shall be at liberty to withdraw his deposit. Should the new trial be granted, the order shall be made on such terms as to the payment of costs as the Court shall direct. If upon the second trial the verdict is entered for the plaintiff, the judgment may be satisfied *pro tanto* out of the sum already deposited for debt and costs by defendant, with right of execution against the goods or person of the defendant for the amount, if any, which he is liable to pay over and above the sum deposited.

Defendant, if successful may withdraw his deposit.

(10) If upon the second trial the verdict is entered for the defendant, he shall be at liberty to withdraw his deposit.

Time within which warrants of execution must be executed.

(11) No warrant of execution or commitment shall be executed after the expiration of two calendar months from the date thereof: provided that second and successive warrants of execution may be issued by order of the Judge at the expiration of two calendar months from the date of each on payment of the prescribed costs of execution by the party at whose instance the same are issued.

Unexecuted warrant. Proceeds of execution.

(12) Every officer required to execute any warrant of execution, if he shall not have executed such warrant, shall return the same to the office of the Court at the expiration of one month from the date of the issue thereof; and every officer levying or receiving money by virtue of any process out of the Court, shall forthwith, or as soon after the receipt thereof as practicable, pay over the same to the Court.

# A.

## SMALL CAUSE COURT No. 1.

### REGISTER OF CIVIL SUITS IN THE YEAR 18

| Date of presentation of Plaint. | No. of Suit. | Plaintiff. | | | Defendant. | | | Particulars. | Claim. | | Appearance. | | | Judgment. | | | Execution. | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | Name. | Description. | Place of abode. | Name. | Description. | Place of abode. | | Amount or value. | When the cause of action accrued. | Day for parties to appear. | Plaintiffs. | Defendants. | Date. | For whom. | For what or amount. | Date of application. | Particulars. |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 | 18 | 19 |
| | | | | | | | | | Rs. A. P. | | | | | | | Rs. A. P. | | |

NOTE.—This is the amended form prescribed under C. O. No. 29 of 12th August 1880. This Register must be kept in English.

B.

*SMALL CAUSE COURT OF*

SUMMONS BOOK.[1]

| | Rs. | As. | P. | | |
|---|---|---|---|---|---|
| Amount of Stamp | | | | Date of summons<br>No. of ditto<br>Register No.<br>Plaintiff's name | Particulars of demand &c. |
| | | | | Defendant's name | |
| | | | | Cause of action . | |
| | | | | Amount . . | |
| | | | | Defence . . | |

Peon

Substance of evidence.

NOTE.—On the reverse side will appear the judgment and decree.

[1] This book must be kept in English.—(*C. O. No. 29 of 12th August 1880.*)

## ACT VIII (B. C.) OF 1869.

6. [*Rules for the prompt Trial of undefended and other Suits for Arrears of Rent in the Civil Courts under Act VIII (B. C.) of 1869—Circulated with H. C. No. 372, dated 4th February 1871.*]

(*a*) Every summons in any suit for arrears of rent, not being a suit in which enhancement is sought, brought under the provisions of Act VIII (B. C.) of 1869, shall command the defendant to appear at the expiration of fourteen clear days after the service thereof.

(*b*) Every such suit entered in the Register as directed by section 42 shall be marked thus—"Rent Suit," "Bákí Kházanár Mokuddama," "Bákí Málgúzárí.

(*c*) Immediately on the return of the summons in any such "Rent Suit," the suit shall be entered in a List of Causes in the following form, to be stuck up in the Court-house, specifying the day for hearing, which shall be the day fixed for the appearance of the defendant, or on the earliest day on which the Court shall sit after such day :—

*List of Rent Suits in the Court of the of*

| Number of case on the Register. | Names of Parties. | Claim. | Date fixed for trial. |
|---|---|---|---|
| | | | |

(*d*) Each such suit shall be called on in its turn at the sitting of the Court, and before suits of any other description, upon the day for the hearing thereof; and in every case in which it shall be shown that the defendant has been duly served with the summons in proper time

to enable him to appear and defend the suit, but the defendant does not, either in person or by any authorized agent or pleader, appear or make answer to the suit, the case shall be forthwith taken up and heard *ex-parte*, unless in any particular case the Court, for special reasons to be recorded in the proceedings, shall think fit to order otherwise.

(*e*) Provided, nevertheless, that no suit for arrears of rent shall be called on and tried *ex-parte* when the summons shall not have been served at least fourteen clear days before the day of hearing.

(*f*) When it appears that the summons has not been duly served, or that fourteen clear days have not elapsed from the date of the due service of the summons, the case shall stand over until a day to be fixed immediately after the expiration of fourteen clear days from the date of the due service of the summons.

(*g*) In cases where the defendant appears and makes answer or desires to contest the claim, the case may either be taken up and tried at once, if it appear to be likely to be a short one, or may be placed in the ordinary list of defended causes, and come on in its turn, if such latter course appear to the Judge to be expedient with reference to the state of his file or the convenience of the parties.

(*h*) [*Section 46, Act VIII (B. C.) of 1869—Deposit of Rent payable in kind—C. M. No. 4 of 5th March 1875.*]—In a district where the system of paying rent in kind prevails, a ryot has the right to deposit in Court, under section 46 of Act VIII (B. C.) of 1869 such portion of the value of his produce as represents the rent admittedly due to the zemindar.

(*i*) [*Section 58, Act VIII (B. C.) of 1869—Execution of Decrees in Rent Suits—C. O. No. 18 of 10th July*

*1874.*]—The attention of District Judges is directed to the positive rule laid down in section 58 of Act VIII (B. C.) of 1869 as to judgments for amounts not exceeding Rs. 500. The same process of execution cannot be executed more than once. The reception of supplementary lists of property to be attached, or other devices by which the provisions of this section are evaded, must be disallowed.

*Explanation.*—Supplementary lists of property are to be refused in those instances only where they are put in to keep alive a case of execution in which the three years' limit is about to expire. The intention of the above order in this respect was merely to carrying out the provisions of the law, and prevent parties (who, by lapse of time, are debarred from taking out a fresh process) from resorting to devices for availing themselves of a process already spent.

## COURT FEES ACT, VII OF 1870.

7. (*a*) [*Daily Register of Court Fees realized—C. O. No. 23 of 22nd December 1877.*]—The annexed form of daily Register of Court Fees Realized has been prescribed for adoption by the Government of India, and should be regularly maintained in future. The entries in this Register are not to be made in detail, but only so as to show the aggregate value of the stamps filed in the Court during each day under each of the four classes indicated. The entries should be initialled daily by the presiding officer.

*Daily Register of Court Fees realized in the Court of the*

| Date. | Process Fees [1] | | Amount realized under Act VII of 1870, schedule I, articles 1 to 9 inclusive. | Amount realized under the same schedule, Nos. 10 to 12. | Amount realized under schedule II. | Total. | Remarks. |
|---|---|---|---|---|---|---|---|
| | Ameens' Fees. [2] | Other Process Fees. | | | | | |
| | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | |

[1] This column has been sub-divided (as shown in the text) by C. O. No. 21 of 1st June 1873.
[2] Realized in stamps.

(*b*) [*Detailed Daily Register of Court Fees realized—C. O. No. 25 of 16th June 1879.*]—In order to secure the accuracy of the entries made in the above Daily Abstract Register of Court Fee Stamps, a Detailed Daily Register should be kept in the form annexed in all Civil Courts, and the instructions given below for its preparation observed :—

*Detailed Daily Register of Court Fees realized in the Court of the at*

| Serial Number of Document. | Process Fees. | | Fees for administering Affidavits. | Amount realized under Act VII of 1870, schedule 1, articles 1 to 9 inclusive. | Amount realized under the same schedule, Nos. 10 to 12. | Amount realized under schedule | Total. | Remarks. |
|---|---|---|---|---|---|---|---|---|
| | Fees for employment of Ameen. | Other Fees. | | | | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 |
| | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | Rs. A. | |

INSTRUCTIONS.

This register is meant to show in detail every document filed bearing Court Fee Stamps except certified copies, the stamps on which should be entered in the Register of the Court or Office which issues them. At the time the stamps are first punched a serial number should be entered on every document (including certified copies issued) immediately below the stamps, and in column 1 of this Register, in the remaining columns are to be entered the amount of the Fees of each kind realized on the document. The entries in this Register must be totalled daily, and the results entered in the Daily Abstract Register.

8. [*Act VII of 1870.—Rules*[1] *under clause I of Section 20, declaring the fees chargeable for serving and executing processes issued by the High Court in*

[1] Published in the *Calcutta Gazette* of the 6th February 1878, and in the *Assam Gazette* of the 9th March 1878.

*the exercise of its Appellate Jurisdiction, and by the other Civil and Revenue Courts established within the local limits of such jurisdiction in Bengal and Assam—C. O. No. 13 of 15th March 1878, and No. 2 of 6th January 1880.*]

(1) There shall be charged for serving and executing the following processes the fees specified opposite the same severally and respectively:—

PART I.

*Table of fees in the High Court, on its Appellate side—*

| | Proper fees. Rs. | A | P. |
|---|---|---|---|
| *Article 1.*—Summons to defendants, notice of appeal, or other notice to respondents, when the defendants or respondents are not more than four in number, *one fee* . . . . . | 3 | 0 | 0 |
| When such defendants or respondents are more than four in number, then the fee above mentioned for the first four, and an additional fee of eight annas for every such person in excess of four. | | | |
| *Article 2.*—Summons to witnesses, when the witnesses named therein are not more than four in number, *one fee* . . . . . | 3 | 0 | 0 |
| When such witnesses are more than four in number, then the fee above mentioned for the first four, and an additional fee of eight annas for every such witness in excess of four. | | | |
| *Article 3.*—Every Commission to make a local investigation or to take evidence, or for any other purpose— | | | |
| (*a*) in respect of the Commission . . . | 3 | 0 | 0 |
| (*b*) in respect of the remuneration of the Commissioner, or person who is to execute the commission, *per diem* . . . . | Such sum as the Court may direct. | | |

NOTE.—A sum sufficient to cover the daily fee (*b*) for such period as may be fixed by the Court for the purpose of executing the Commission must be paid in addition to the fee (*a*) at the time when the Commission is issued; and, if the Commission is not completely executed within the period so fixed, a further sum, sufficient to cover the daily fee (*b*) for the excess period extending from the end of that fixed period up to, and inclusive of, the date of the complete execution of the Commission, must be paid before the Commissioner's report or other return to the Commission is used.

| | Rs | A | P. |
|---|---|---|---|
| *Article 4.*—Every warrant for arrest of the person . . | 3 | 0 | 0 |
| *Article 5.*—Every rule, notice, proclamation, injunction, or other order not specified in any preceding *Article* of this part . . . . . | 3 | 0 | 0 |

PART II.

*Table of fees in the Courts of District and Subordinate Judges, and in the Revenue Courts when the suit in which the process is issued by any such Revenue Court is valued at a sum exceeding Rs. 1,000—*

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 1.*—Summons to defendants, notice of appeal, or other notice to respondents, when the defendants or respondents are not more than four in number, *one fee* . . . . . | 2 | 0 | 0 |
| When such defendants or respondents are more than four in number, then the fee above mentioned for the first four, and an additional fee of eight annas for every such person in excess of four. | | | |
| *Article 2.*—Summons to witnesses, when the witnesses are not more than four in number, *one fee* . | 2 | 0 | 0 |
| When such witnesses are more than four in number, then the fee above mentioned for the first four, and an additional fee of eight annas for every such witness in excess of four. | | | |
| *Article 3.*—Every Commission to make a local investigation or to take evidence, or for any other purpose— | | | |
| (*a*) in respect of the Commission . . . | 2 | 0 | 0 |
| (*b*) in respect of the remuneration of the Commissioner, or person who is to execute the Commission, if such person be an officer of Government specially appointed for the purpose, *per diem* . . . . . | 3 | 0 | 0 |

NOTE.—A sum sufficient to cover the daily fee (*b*) for such period as may be fixed by the Court for the purpose of executing the Commission must be paid in addition to the fee (*a*) at the time when the Commission is issued; and, if the Commission is not completely executed within the period so fixed, a further sum, sufficient to cover the daily fee (*b*) for the excess period extending from the end of that fixed period up to, and inclusive of, the date of the complete execution of the Commission, must be paid before the Commissioner's report or other return to the Commission is used.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 4.*—Every Process of Attachment of property by actual seizure— | | | |
| (*c*) in respect of the Warrant of Attachment | 2 | 0 | 0 |

| | Rs. | A. | P. |
|---|---|---|---|
| (*d*) in respect of each man necessary to effect the Attachment, and also to ensure safe custody, when such man is to be left actually in possession, *per diem* . . . . . | 0 | 6 | 0 |

NOTE.—The daily fee (*d*) is to be paid at the time of obtaining the process, for so many days as the Court shall order, not being ordinarily less than 15 days, and the number of days required for the coming and going of the officer; but where the officer is not to be left in possession, then the daily fee (*d*) is to be paid only for the time to be occupied by the officer in going, effecting the attachment, and returning. When the Inventory filed by the judgment-creditor shows the property to be of such small value, that the expense of keeping it in custody may probably exceed its value the Court shall fix the fee with reference to the provisions of section 269 of the Code of Civil Procedure of 1877.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 5.*—Every Process in Execution of a Decree by the Arrest of the person . . . . . | 10 | 0 | 0 |
| *Article 6.*—Every order for the Sale of property, other than an order for the sale of distrained property under Act VIII of 1869 of the Bengal Council— | | | |
| (*e*) in respect of the order of sale . . . . | 2 | 0 | 0 |
| (*f*) by way of Poundage on the gross amount realized by the sale up to Rs. 1,000 . . | 2 per cent. | | |
| together with a further fee on all excess of gross proceeds beyond Rs. 1,000 of . . | 1 per cent. | | |

NOTE.—The portion (*e*) of this fee must be paid when the process is obtained, and the poundage (*f*) must be paid at the time of making the application for payment of the proceeds of sale out of Court, as hereinafter provided.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 7.*—Every rule, notice, proclamation, injunction, or other order not specified in any preceding Article of this part . . . . . | 2 | 0 | 0 |

## PART III.

### *Table of fees for suits other than the suits hereinafter specified in Part IV applicable to Courts of Munsifs and of Small Causes, and to Revenue Courts in cases to which Part II does not apply—*

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 1.*—Summons to defendants, notice of appeal, or other notice to respondents, when the defendants or respondents are not more than four in number, *one fee* . . . . . | 1 | 0 | 0 |
| When such defendants or respondents are more than four in number, then the fee above mentioned for the first four, and an additional fee of four annas for every such person in excess of four. | | | |

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 2.*—Summons to witnesses, when the witnesses are not more than four in number, *one fee* . | 1 | 0 | 0 |
| When the witnesses are more than four in number, then the fee above mentioned for the first four, and an additional fee of four annas for every such witness in excess of four. | | | |
| *Article 3.*—Every Commission to make a local investigation or to take evidence or for any other purpose— | | | |
| (*a*) in respect of the Commission . . . . | 1 | 0 | 0 |
| (*b*) in respect of the remuneration of the Commissioner, or person who is to execute the Commission, if such person be an officer of Government specially appointed for the purpose, *per diem* . . . . . | 3 | 0 | 0 |

NOTE.—A sum sufficient to cover the daily fee (*b*) for such period as may be fixed by the Court for the purpose of executing the Commission must be paid in addition to the fee (*a*) at the time when the Commission is issued; and, if the Commission is not completely executed within the period so fixed, a further sum, sufficient to cover the daily fee (*b*) for the excess period extending from the end of that fixed period up to, and inclusive of, the date of the complete execution of the Commission, must be paid before the Commissioner's report or other return to the Commission is used.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 4.*—Every Process of Attachment of property by actual seizure— | | | |
| (*c*) in respect of the Warrant of Attachment . | 1 | 0 | 0 |
| (*d*) in respect of each man necessary to effect the Attachment and also to ensure safe custody, when such man is to be left actually in possession, *per diem* . . . . . | 0 | 4 | 0 |

NOTE.—The daily fee (*d*) is to be paid at the time of obtaining the process, for so many days as the Court shall order, not being ordinarily less than 15 days, and the number of days required for the coming and going of the officer: but where the officer is not to be left in possession, then the daily fee is to be paid only for the time to be occupied by the officer going, in effecting the attachment, and returning. When the Inventory filed by the judgment-creditor shows the property to be of such small value that the expense of keeping it in custody may probably exceed the value, the Court shall fix the daily fee with reference to the provisions of section 209 of the Code of Civil Procedure of 1877.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 5.*—Every Process in Execution of a Decree by the Arrest of the person . . . . . | 4 | 0 | 0 |
| *Article 6.*—Every order for the Sale of property, other than an order for the sale of distrained property under Act VIII (B. C.) of 1869— | | | |
| (*e*) in respect of the Order of Sale . . . . | 1 | 0 | 0 |
| (*f*) by way of Poundage on the gross amount realized by the sale up to Rs. 1,000 . | 2 per cent. | | |
| together with a further fee on all excess of gross proceeds beyond Rs. 1,000 of . . . | 1 per cent. | | |

NOTE.—The portion (*e*) of this fee must be paid when the process is obtained, and

the poundage (*f*) at the time of making the application for payment of the proceeds of sale out of Court, as hereinafter provided.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 7.*—Every rule, notice, proclamation, injunction, or other order not specified in any preceding *Article* of this part . . . . . | 1 | 0 | 0 |

PART IV.

## *Table of fees in the Courts of Moonsifs, in Small Cause Courts, and in the Revenue Courts when the suit is for debt, or damage to personal property, or for rent and the claim does not exceed Rs. 50—*

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 1.*—Summons to defendants, when the defendants are not more than two in number, *one fee* . | 0 | 8 | 0 |
| When the defendants are more than two in number, the fee above mentioned for the first two, and an additional fee of four annas for every such defendant in excess of two. | | | |
| *Article 2.*—Summons to witnesses, in respect of each witness | 0 | 4 | 0 |
| *Article 3.*—Every Commission to make a local investigation or to take evidence, or for any other purpose— | | | |
| (*a*) in respect of the Commission . . . . . | 1 | 0 | 0 |
| (*b*) in respect of the remuneration of the Commissioner, or person who is to execute the Commission, if such person be an officer of Government specially appointed for the purpose, *per diem* . . . . . | 3 | 0 | 0 |

NOTE.—A sum sufficient to cover the daily fee (*b*) for such period as may be fixed by the Court for the purpose of executing the Commission must be paid in addition to the fee (*a*) at the time when the Commission is issued; and, if the Commission is not completely executed within the period so fixed, a further sum, sufficient to cover the daily fee (*b*) for the excess period extending from the end of that fixed period up to, and inclusive of, the date of the complete execution of the Commission, must be paid before the Commissioner's report or other return to the Commission is used.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 4.*—Every Process of Attachment of property by actual seizure— | | | |
| (*c*) in respect of the Warrant of Attachment . . | 0 | 8 | 0 |
| (*d*) in respect of each man necessary to effect the Attachment, and also to ensure safe custody, when such man is to be left actually in possession, *per diem* . . . . . | 0 | 4 | 0 |

NOTE.—The daily fee (*d*) is to be paid at the time of obtaining the process, for so many days as the Court shall order, not being ordinarily less than 15 days, and the number of days required for the coming and going of the officer; but where the officer is not to be left in possession, then the daily fee is to be paid only for the time to be occupied by the officer in going, effecting the attachment, and returning

When the Inventory filed by the judgment-creditor shows the property to be of such small value that the expense of keeping it in custody may probably exceed the value, the Court shall fix the daily fee with reference to the provisions of section 269 of the Code of Civil Procedure of 1877.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 5.*—Every Process in Execution of a Decree by Arrest of the person . . . . . | 1 | 0 | 0 |
| *Article 6.*—Every Order for the Sale of property, other than an order for the sale of distrained property under Act VIII (B. C.) of 1869— | | | |
| (*e*) in respect of the Order of Sale . . . | 1 | 0 | 0 |
| (*f*) by way of Poundage on the gross amount realized by the sale up to Rs. 1,000 . . | 2 per cent. | | |
| together with a further fee on all excess of gross proceeds beyond Rs. 1,000 of . . | 1 per cent. | | |

NOTE.—The portion (*e*) of this fee must be paid when the process is obtained, and the Poundage (*f*) at the time of making the application for payment of the proceeds of sale out of Court, as hereinafter provided.

| | Rs. | A. | P. |
|---|---|---|---|
| *Article 7.*—Every rule, notice, proclamation, injunction, or other order not specified in any preceding article of this part . . . . . | 1 | 0 | 0 |

(2) Notwithstanding Rule (1), no fee shall be chargeable for serving and executing any process, such as a notice, rule, summons, or warrant of arrest, which may be issued by any Court of its own motion, solely for the purpose of taking cognizance of, and punishing any act done, or words spoken, in contempt of its authority.

(3) No process which comes within the operation of Rule (1) shall be drawn up for service or execution, except upon an application made to the Court for that purpose in writing, on a document bearing upon its face stamps not less in amount than the fee which by Rule (1) is directed to be charged for serving and executing the process so sought to be drawn up. This application may, however, at the option of the party making it, be included in the petition by which he moves the Court to order the process to issue; but in that case the petition must bear the requisite stamps for the process fee, in addition to such stamps,

if any, as are needed for its own validity: and, in either case, the filing of the application, thus duly stamped, shall constitute payment of the fee chargeable for the process.

(4) In cases which are covered by the note to article 3 of Part I, and the note to articles 3 and 4 of Parts II, III, and IV of the Table of Fees in Rule (1), the additional fee which may become payable after the process has been actually issued shall be paid by filing a written requisition to the Court to receive the fee, which document shall bear on the face of it stamps not less in amount than the additional fee, together with a memorandum of the purpose for which it is paid.

(5) The proceeds of a sale effected in execution of any decree are to be paid out of Court only on an application made for that purpose in writing, and the additional fee (*f*), article 6, Parts II, III, and IV, must be paid by stamps affixed to, or impressed upon, the first of such applications, whether it be or be not made by the person who obtained the order for sale, or whether it does or does not extend to the whole of the proceeds. No fee will be chargeable upon any such application subsequent to the first.

N. B.—The fees paid in pursuance of these rules must in all proceedings be deemed and treated as part of the necessary and proper costs of the party who pays them.

(6)[1] In districts where during a portion of the year travelling, except by boat, is impracticable, boat-hire may, when it has to be incurred, be charged in addition to the fees payable under Rule (1) above. The rates at which such boat-hire is to be charged shall be the same as those fixed with regard to the criminal

[1] Published in the *Calcutta* and *Assam Gazettes* of the 26th November and 26th December 1879 respectively.

processes under rule VII of the rules under clause 2, section 20, Act VII of 1870,[1] and shall be sufficient only to cover, on the whole, the actual cost of hiring boats, or of such boat establishment as it may be necessary to maintain for the purpose of serving processes of these classes.

(7)[2] When, in order to the service of any process, the peon has to cross a ferry, then the amount, if any, legally exigible as toll shall be levied in cash before the delivery of the process to the peon from the person at whose instance the process is issued before.

9. [*Instructions and Explanations supplementary to the preceding Rules.*]—(*a*) [*C. O. No. 22 of 8th June 1878.*]—A separate charge is to be made for each copy to be served of the rules, notices, proclamations, injunctions, &c., specified in article 5, Part I, and article 7, Parts II, III, and IV of Rule (1) except in the case of rules, notices, &c., addressed to parties to the suit. When they are addressed to such parties, the charge should be made in accordance with the principle applied in the case of summons to defendants in article 1, Parts I, II, III, and IV respectively.

(*b*) [*C. O. No. 40 of 22nd December 1879.*]—Where in any case more than one copy of a citation issued under section 250 of Act X of 1865, or of a notice issued under section 3 of Act XXVII of 1860, has to be affixed in Court-houses or offices which are situated at the same station, one fee only shall be charged. Where such Court-houses or offices are situated at different stations, a separate fee shall be charged in respect of the notices affixed in the Courts or offices at each station.

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[1] *Vide* Code of Criminal Rules and Orders, Chapter V, p. 81

[2] Published in the *Calcutta* and *Assam Gazettes* of the 26th November and 20th December 1879 respectively.

(*c*) [*C. O. No. 27 of 12th July 1879.*]—In order to determine the charge to be levied under clause (*b*), article 3, Parts II, III, and IV, it is necessary, when fixing the period for the executions of a commission for making a local investigation to allow for the time occupied by the Ameen in travelling to the spot and in preparing his Report. A charge should be made for the time occupied in preparing the Report, if it cannot be done at once, but care should be taken that the charge on this account is kept down to what is strictly necessary; and in calculating the fees payable, the actual distance the Ameen has to travel should be considered, and it should not be assumed, except by the Courts at the Sudder Station, that he is at the Court issuing the commission, when in fact he may not be so. If it be doubtful where the Ameen is, he may be assumed to be at the Sudder Station.

(*d*) [*C. O. No. 18 of 26th April 1879.*]—Notices served on creditors (other than the decree-holder), mentioned in an application for insolvency under clause (*f*), section 345 of the Code of Civil Procedure, shall be charged under article 7 separately for each creditor served.

(*e*) [*C. O. No. 25 of 1st July 1878.*]—Although no limit of time is prescribed for applications for refund of process fees paid under article 4 (*d*), Parts II, III and IV, yet, as these can be granted only on view of the stamps originally filed, which are liable to be destroyed with the process record at the end of a year, parties should be warned that there is a probability, if delay is allowed to occur, that it may become impossible to obtain a refund of the money due.

(*f*) [*G. L. No. 12 of 11th June 1877.*]—The Munsif or other Judge shall give to the person entitled

to a refund of stamp value a certificate payable out of the cash in the hands of the Court, and debitable in the Treasury accounts to Stamp Revenue.

**10.** [*Act VII of 1870—Rules under clause iii of Section 20—C. O. No. 37 of 17th November, 1880.*]—The following monthly salaries shall be allowed to peons employed in the service or execution of processes of the Civil Courts:—

*1st,*—In the Court of the District Judge—

| | Rs. per mensem |
|---|---|
| Peons, 2nd grade . . . . . | 8 |
| „ 1st grade, after three years' approved service . . . . . | 10 |

*2nd,*—In the Court of the Subordinate Judge, not being Judge of a Small Cause Court—

Peons, as in Judge's Court.

*3rd,*—In the Courts of Munsifs—

| | Rs. |
|---|---|
| Peons, 2nd grade . . . . . | 6 |
| „ 1st grade, after three years' approved service . . . . . | 8 |

*4th,*—Small Cause Courts—

| | Rs. |
|---|---|
| Peons, 3rd grade . . . . . | 5 |
| „ 2nd grade . . . . . | 6 |
| „ 1st grade . . . . . | 7 |

Peons in the Revenue Court of a Collector shall be remunerated as those in the Court of the District Judge. Peons in the Revenue Court of a Deputy Collector shall be remunerated as those of the Court of a Moonsif.

NOTE.—The rates of remuneration for peons, provided by these rules, are intended to secure the services of men who can read and write. But whenever, on the occurrence of a vacancy, candidates thus qualified shall not be available, the Court on whose establishment the vacancy exists may record a declaration to the effect, and may then appoint temporarily some person whom it may consider competent to perform the duties, and who shall be paid at the rate of Rs. 5 per mensem in Munsifs' Courts, and Rs 6 per mensem in all other Courts—provided that such appointments when made by a Court subordinate to the District Judge or Magistrate of the District, shall be subject to the approval of such Judge or Magistrate, and shall cease as soon as duly qualified candidates shall be procurable.

**11.** [*Act VII of 1870—Rules*[1] *under Section 22.*]—

(1) The Judge of every district in the Regulation Provinces shall ascertain the average number of processes issued from his own Court, and from each of the Courts subordinate thereto, during the immediately preceding three years.

(2) To this shall be added, in the districts to which Act VIII of 1869 (B. C.) may be hereafter extended, the average of processes issued by the Revenue Courts of the same district within the same period.

(3) The peons to be employed in each district shall be in number sufficient for the execution of the number of processes so obtained, each peon being for this purpose considered capable of executing—

| | |
|---|---|
| in the Court of the District or Subordinate Judge, per annum | 200 |
| in the Court of a Munsif . . . . . | 250 |
| in Court of Small Causes . . . . . | 300 |

(4) In order to provide for the service of processes of certain kinds which occupy a longer period, and in respect of which a higher fee is charged, 25 per cent. may be added in each case to the average ascertained under the 1st and 2nd rules.

(5) In the districts named in the margin (as well as in any other district similarly circumstanced to which the High Court may by notification in the Government Gazette extend this rule) the number of processes which each peon is expected to serve may be reduced by one-third, and the number of peons to be employed shall be calculated accordingly.

*Bengal.*

| | |
|---|---|
| Backergunge. | Lohardugga. |
| Dacca. | Hazaribagh. |
| Jessore. | Manbhoom. |
| Sylhet. | Chittagong. |
| Kamroop. | Dinagepore. |
| Lukhimpore. | Mymensingh. |
| Goalpara. | Rajshaye. |
| Nowgong. | Rungpore. |
| Furreedpore. | Cooch Behar. |

*N.B.*—For the districts in the 2nd column the calculation is to be made from May to October, inclusive, only.

*Assam.*

| | |
|---|---|
| Sylhet. | Goalpara. |
| Kamroop. | Nowgong. |
| Lukhimpore. | |

[1] Published in the *Calcutta Gazette* of the 2nd April 1879, and in the *Assam Gazette* of the 18th October 1879.

(6) Where there are in any district several Courts of one class, the Judge may authorize the appointment of such total number of peons for all such Courts as may suffice for the execution of the all the processes issued by such courts, and may from time to time apportion such peons among such Courts as may appear necessary.

(7) When it appears to the District Judge that the number of processes issued out of any Court or class of Courts in the district has increased by 10 per cent., he shall be competent to make a corresponding increase in the number of peons; and if there shall be a diminution to the like extent, or if he shall be satisfied that the processes of all or any of such Courts can be executed by a smaller number of peons, it shall be his duty to make a reduction accordingly.

**12.** [*Act VII of 1870, Section 30—Instructions regarding the cancellation of Court Fee Stamps.*]

(*a*) [*C. O. No. 5 of 24th February 1874.*]—Too strict a compliance with the provisions of section 30 of the Court Fees Act cannot be enjoined, and in all cases it should be carefully seen that the figure-head of the Court Fee Stamp is punched out, and the piece destroyed, before any action is taken upon the documents to which the stamp may have been attached.

(*b*) [*C. M. No. 4 of 11th February 1874.*]—Blank papers for copies should, as usual, be presented with the application, but it is not necessary in such cases that stamps should be affixed to the blank papers; it will be enough if the adhesive stamp be made over to the officer whose duty it is to cancel stamps, and that officer will, if the request for a copy be allowed, at once affix the stamp to the paper and cancel it by punching; but if it be not allowed, he will return the adhesive stamp to the petitioner, a note to this effect being made in the Register and signed by such officer.

(c) [*C. O. No. 19 of 28th April 1880.*]—By Resolution (Financial) No. 1763, dated 24th July 1873, the Government of India directed that the record-keeper of every Court should, when a case was decided and the record made over to his custody, punch a second hole in each Court-fee label, distinct from the first, and note his doing so at the same time. Owing to the insufficiency of the establishment attached to the record-rooms in some districts for the work thus imposed upon it, strict effect has not been given to this order. The Government having, however, now sanctioned a sufficient staff of officers for employment in all district record-rooms, District Judges must require this order to be strictly carried out in future. Attention is called to the Circular Order of the Board of Revenue quoted below, and to the necessity for seeing that all stamps are punched and registered before they are received or acted upon. As petitions have to be taken in open Court, some person should be in attendance there to punch and register the stamps in presence of the Judge immediately before the petitions are handed to him. At the time of punching the stamps, this officer should write his name and the date across them.

*Circular Order issued by the Board of Revenue, Lower Provinces,—*
*No. of October 1878.*

It having been brought to the notice of the Board that the provisions of section 30 of the Court Fees Act, VII of 1870, regarding the cancellation of stamps, and the rules prescribed by Government on the same subject, are not in all cases strictly observed, the Board believe that it will be useful to recapitulate and publish collectively the several rules and orders which have from time to time been issued for the guidance of all officers concerned.

2. Every Court and officer before whom a document requiring a stamp under the Court Fees Act is produced, is bound to see that the figure-head of the stamp is punched out and destroyed before taking

action on the document (Government of India's order, Financial Department, No. 831, dated 31st January 1874; Board's circular order No. 4 of February 1874).

3. After a case is decided, the record-keeper of every Court is required to punch a second hole on each stamp, distinct from the first, and to note the date of his doing so at the same time. The second punching should not remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature. If the hole which was first punched is round, the second hole should be either square or triangular (Government of India's order, Financial Department, No. 1763, dated 24th July 1873; Board's circular order No. 3, August 1873, and No. 3 of October 1873).

4. In the case of copies, certificates, or other similar documents liable to be stamped under the Court Fees Act, the Court or office issuing them is required, before issue, to cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label upon which its value is expressed; and as an additional precaution, the signature of the officer attesting the document, with the date, should be written across the label and upon the paper on either side of it (Government of India's order No. 3373, dated 24th September 1875; Board's circular order No. 4, November 1875).

5. An impression apparently exists that the hole which is punched by the issuing Court or office on the stamp-label affixed to copies, certificates, &c., under the order cited in the preceding paragraph, does away with the necessity of cancellation by punching out the figure-head, under section 30 of the Act, by the Court or office in which the copy or certificate, &c., may be produced or filed; but this view is incorrect, and it will be readily understood that the orders in question cannot override the express provision of the Act.

6. It will therefore be observed that, under the orders now in force, all Court-fee stamps must be punched at least twice if they go into the record-room,—*first*, there is the punch required by section 30 of the Act; and, *secondly*, the square or triangular punch of the record-keeper. But if a stamped copy of a document is filed with the record in a judicial proceeding, it must be punched three times,—*first*, by the issuing Court or office; *secondly*, by the receiving Court or office; and, *finally*, by the record-keeper

7 The heads of Courts or offices in which stamps are used or filed are required to cause an inspection to be made, at least once a quarter, of all papers and documents in the records of the Court or

office that require adhesive labels, in order to ascertain that the stamps have been properly punched and defaced, and have not been subsequently removed from the documents in which they were used (Board's circular order No 3 of October 1873 and 7 of November 1875)

(*d*) [*C. O. No. 30 of 26th August 1880*]--Where (as in Small Cause Courts) the rule[1] requiring the regular transmission of the records of decided cases to the district record-room does not apply, all stamps on the records must be punched a second time by some officer of the particular Court as soon as each case is decided. The duty of thus re-punching stamps should in each Court be assigned to some officer specified by a written order, which should also indicate the manner in which this duty of re-punching should be performed, *i. e.*, so as not to remove so much of the stamp as to render it impossible or difficult to ascertain its value or nature.

(*e*) [*G. L. No. 16 of 18th September 1876.*]—Government having directed the Inspector General and Inspectors of Registration to examine record-rooms of the various Courts in the Mofussil, in order to see how far the rules and instructions on the subject of the punching, custody, and sale of stamps are carried out, every assistance should be afforded by Judicial Officers to such officers in the discharge of their duty.

(*f*) [*G. L. No. 5 of 21st April 1880.*]—Government having ordered that, on the discovery of any irregularity in respect of punching or otherwise defacing Court-fee stamps, the inspecting Registration Officer shall at once bring the matter to the notice of the presiding officer of the Court, such latter officer should inquire into the matter at once, and thus trace the person who is res-

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[1] *Vide* Chapter V, Rule 52.

ponsible for the omission pointed out by the inspecting officer.

ACT X OF 1873.—(*Oaths and Affirmations.*)

For the forms of oaths and affirmations prescribed under section 7 of The Oaths Act for Witnesses and Interpreters, see Code of Criminal Rules and Orders, Chapter V, Rule 5, pages 87 to 92.

ACT XVIII OF 1879.—(*Legal Practitioners.*)

**13.** [*The Rules under Section 6, now under consideration of the Court, will be printed here, when passed.—C. A. W., 27th September 1880.*]

**14.** [*Responsibility of Pleaders in accepting Vakalutnamas—C. O. No. 26 of 21st June 1879.*]—(*a*) All District Judges and all Munsifs at out-stations will publicly impress upon Pleaders of all grades a sense of their responsibility to the Courts in which they practise in the matter of accepting vakalutnamahs from parties themselves, or from persons professing to be authorized by special or general powers of attorney to act on behalf of other persons.

(*b*) The Courts accept vakalutnamahs on the responsibility of Pleaders. A Pleader accepting a vakalutnamah purporting to be executed by his client in person is bound to satisfy himself that it was so executed; and, when it purports to be executed by a third party on behalf of his client, he is bound to ascertain that such person has been duly empowered by the client to appoint a Vakeel, and has himself executed the vakalutnamah.

**15.** [*Fees payable to Pleaders by their clients in certain Miscellaneous Cases—G. L. No. 14 of 4th September 1876.*]—In dealing with uncontested applications for Certificates under Act XXVII of 1860, and

other miscellaneous cases in which summons or notice to particular individuals is not issued, and no objection is preferred, the practice which prevails in some Civil Courts of passing orders in respect of the amount of fee to be paid to the Pleader by his client, has no warrant in law, and should be discontinued. Section 27, Act XVIII of 1879, and the rules issued by the Court, provide only for the fees to be paid by the unsuccessful party for his adversary's Pleader, while section 28 of the Act expressly leaves the fees payable by a party to his own Pleader to be settled between them by private agreement.

**16.** [*Revenue Agents practising as Pleaders in Rent Suits.*]—(*a*) [*C. O. No. 14 of 16th March 1878.*]—It is not necessary that Revenue Agents acting in rent suits in the Civil Courts should be enrolled under section 8 of Act XVIII of 1879. All that is necessary is that the Civil Courts should satisfy themselves that the Revenue Agents hold certificates in force at the time they seek to practise as Pleaders under Act IV of 1876.[1] The position of these Revenue Agents in the Civil Courts is not that of Pleaders. The latter are enrolled in the Courts in which they practise, and are liable to punishment by the High Court in case of misconduct. Revenue Agents, on the other hand, are not so enrolled, and are subject, in case of misconduct, to the orders of the Board of Revenue. There can therefore be no hardship in requiring the latter, when they act in the Civil Courts, to prove their authority to represent the person for whom they act, and this should be done in every case.

[1] Act IV of 1876 has been wholly repealed by Act XVIII of 1879, under section 2 of which, however, the above orders hold good so far as they concern Revenue Agents who came within their scope before the passing of the later Act.

(*b*) [*C. O. No. 30 of 19th August 1878.*]—Revenue Agents should be allowed half Pleaders' fees; if a Pleader and Revenue Agent be retained and act on the same side in the same suit, one Pleader's fee should be allowed.

# PART II.

## CHAPTER V.

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## CIRCULAR ORDERS

OR

GENERAL INSTRUCTIONS FOR THE GUIDANCE OF THE SUBORDINATE CIVIL COURTS IN MATTERS NOT FALLING WITHIN THE PURVIEW OF PART I, CHAPTERS I, II, III, AND IV.

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*N.B.*—The contents of this chapter are arranged as follows: *first*, Civil Procedure Code, in order of Sections; *second*, other Acts in chronological order; *third*, miscellaneous matters, arranged alphabetically.

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**1.** [*Section 2, C. C. P.—Communications from Small Cause Courts how to be submitted—C. O. No. 12 of 9th March 1878.*]—All communications, including the monthly returns, from Small Cause Courts to the High Court should be submitted in the first instance to the District Judge, to whom the Small Cause Court is subordinate.

**2.** [*Sections 48 to 63, C. C. P.—Institution of suits; Prompt Registration of Plaints—C. O. No. 10 of 19th May 1865.*]—No plaint should ordinarily remain unregistered for more than one day, for it is obviously the duty of every Judge to take up at latest on the day following their presentation all plaints filed in his Court. Superior local Courts should check irregularities by a strict supervision over the proceedings of their subordinates, opportunities for which are afforded to them in the exercise of their jurisdiction as Courts of appeal, or on visits of inspection.

3. [*Sections 64 to 94, C. C. P.—General directions as to the issue and service of Summons and Process and proof thereof.*]—(*a*) [*C. O. No. 9 of 6th April 1871.*]—The service should be personal in all cases in which personal service is practicable, and the Courts ought not in *ex-parte* cases to act upon anything short of personal service, until they are satisfied that personal service could not reasonably be effected. The nature of the proof of service which the Court ought to require in each case, according as it falls under one or another of the various sections of the Civil Procedure Code relating to service of summons on defendants, is briefly stated in the following paragraphs :—

*Proof of service.*

(*b*) When the summons or notice is served on the defendant or respondent personally, the service and the signature of the defendant on the back of the summons or copy should be proved by the affidavit or solemn declaration recorded in writing of the person who actually effected the service; and the identity of the person[1] served with the party to whom the process is addressed should be proved by the affidavit or solemn declaration of some one personally acquainted with the party to be served.

(*c*) If the service is made under section 75 of Act X of 1877 on an agent, it should be proved that such agent was empowered to accept service, either by reason of his being one of the class of recognised agents described in sections 37, 417, and 432 of Act X of 1877, or by virtue of appointment for that purpose in writing.[1]

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[1] The party causing the service to be effected must give proof to this effect. It is a matter of which, ordinarily speaking, the serving officer would have no knowledge.

(*d*) If the service is made under section 78, it should be proved by the affidavit or solemn declaration of the officer effecting the service, and, if necessary, of some other person or persons acquainted with the facts, that the defendant or respondent could not be found, and had no agent empowered to accept the service, and that the person to whom the process was delivered was an *adult* male member of his family, and was actually residing with him at the time of such service.

(*e*) If the service is made under section 80, it should in like manner be proved that the defendant or respondent could not be found, and that there was no agent empowered to accept the service, nor any other person on whom the service could be made, and that the defendant or respondent ordinarily resided in the house, on the outer door of which a copy of the process was fixed at the time when it was so fixed.

(*f*) If the service is made under section 82, it should in like manner be proved that the house upon the door of which a copy of the process was fixed was the house in which the defendant or respondent last resided,[1] and that the service was made in all respects in conformity with the order for substituted service, which should accompany the process.

(*g*) If the service is made under section 77, it should be proved in like manner that the summons or notice could not be served on the defendant or respondent in person, and that he had no agent empowered to accept the service, and that the person to whom the process was delivered was an agent of the defendant or respondent in charge of the land or other immovable property forming the subject-matter of the suit.

[1] It should be stated how long, and until when, he resided in the house, and what has become of him.

(*h*) If the service is made under section 436, it may be proved that the summons or notice was left at the *registered* office of the Company, or was delivered to any Director, Secretary, or other principal officer.

(*i*) If the summons or notice, when tendered, is declined by the defendant or his agent, or a male member of his family, besides the proof required as to identity, &c., as stated above, it should be proved that the party was informed that the document tendered was a summons or notice, and that he was made acquainted with the nature and contents thereof.

(*j*). [The proof which is above described as requisite in each case may be[1]] either by the affidavit or verified statement of the person by whom the service was effected, and of any person who may have accompanied the serving officer for the purpose of identifying the party to whom the process was addressed, or otherwise directing or assisting the serving officer; or, if deemed necessary, by the examination in Court as witnesses of such persons as the Court may think fit to examine.

(*k*) When the summons which has been served is the summons of another Court transmitted to the serving Court for the purpose of service only, then, upon service being effected, this latter Court should re-transmit the summons to the Court by which it was issued, together with the Nazir's return and the affidavits, verified statements or depositions of the serving officer and the witnesses relative to the facts of the service.

*Directions for Serving Officers, and forms of Returns to be made by Nazirs.*

(*l*) Nazirs in serving summonses and other process under Act X of 1877 must carefully attend to the

[1] The words in brackets were introduced in place of the original words by C. O. No. 6 of 10th February 1872.

directions of the Act as to the service of process. Their attention is particularly called to the fact that, wherever it is practicable, the service of process placed in their hands should be personal.

(*m*) They will be held responsible for the due and regular service of all process entrusted to them for service by themselves and their subordinates, and in each case for the correctness of the statements made in the return. Subject to the instructions contained in the Note to Rule 10 of Chapter IV, no peon should be retained for the service of process who cannot read and write, or who is not capable of fully and intelligently carrying out these rules in so far as they relate to actual service.

(*n*) The forms of returns to be made by Nazirs[1] should be followed as nearly as the circumstances of the case admit. In all cases, if the summons or other process is served personally, and the person served signs any acknowledgment of the service, the return shall state that fact, and refer to the signature of the party signing, thus—"that the said did at the time of such service in the presence of and sign the acknowledgment of the service endorsed on the summons (or other process) hereto annexed."

(*o*) If the summons or other process was tendered and declined, it will be necessary to show that the contents of the same were brought to the knowledge of the party served. The return must therefore state "that the summons (or other process) was tendered and returned, and that the defendant or respondent refused to receive the same, whereupon informed him what the document was,

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*Vide* Chapter II, Rule I.

and acquainted him with the nature and contents thereof."

(*p*) [*C. O. No. 18 of 4th May 1878.*]—The District and other Courts in the Mofussil should from time to time, as opportunity offers, call the attention of persons concerned to the preceding directions, in order that needless expense and delay may not be occasioned by inadvertent disregard of them.

(*q*) [*C. O. No. 18 of 4th May 1878.*]—Whenever proof of due service of a notice of appeal, or the like process, appears to fail, in consequence of an omission on the part of the appellant or party concerned to produce a witness to prove the identity of the party served or of his place of residence, a reasonable time shall be allowed for the production of such witness, where the omission has been the result of ignorance, and when return of the process will not thereby be unduly delayed.

(*r*) [*C. O. No. 34 of 11th September 1880.*]—If witnesses to prove the identity of the person served do not appear when the serving peon makes his return and is examined in Court or makes his affidavit (as the case may be) the Judge shall, instead of sending back the notice to the High Court as unserved, adjourn the enquiry as to proof of service and afford to the parties a reasonable time not less than seven days for the production of the proof of identification; and a notice of such adjournment, and of the time within which the parties are allowed to produce such proof, shall be posted up in the Judge's Court.

(*s*) [*Processes in Presidency Towns—C. O. No. 29 of 6th August 1878.*]—In issuing processes for service in the Presidency Towns, the presiding officer in each Court must personally satisfy himself that such full particulars

of the description of the person summoned are entered in the process as will render it unlikely that the bailiffs in the Presidency Towns should mistake the identity of the person summoned. In the case of Europeans and Eurasians, the Christian name or names in full, if possible, and certainly the initial, the profession or trade, and the full address of the person summoned should be accurately set forth. In the case of Natives, the name, father's name, caste, occupation, and address should be set forth in the summons, together with any further particulars which, in the opinion of the presiding officer, will facilitate the service thereof. The issue of process should be delayed until such particulars are satisfactorily furnished by the person at whose instance it is to be served.

(*t*) [*Processes, &c., to be clear and legible—C. O. No. 4 of 13th March 1876.*]—In every process and order (of whatever description) issued by a judicial officer for whatever purpose it may be issued or made, the name of the District and of the Court from which the same is issued, and also the name and powers of the Officer issuing or making it, shall be clearly set out in such a manner that they may be easily read. In all cases all Judicial Officers shall take care to sign their names distinctly and legibly.

(*u*) [*Processes sent to other Districts—C. O. No. 8 of 7th April 1877.*]—Processes issuing out of a Civil Court should be written "in the language in ordinary use in the district in which it is held,"—that is to say (with certain exceptions), the language in which the proceedings of such Court are conducted. But where a process is sent for execution to the Court of a District where a different language is in ordinary use, the process should be accompanied by a translation, certi-

fied by the transmitting Court to be correct, into such other language, or into English. Moreover, in such cases it will be convenient and proper that the process should be accompanied by an English letter requesting its execution.

(*v*) [*Summons on Police Officers—C. O. No. 23 of 5th August 1870.*]—When Police Officers are summoned by the Civil Courts to give evidence, the summons should be sent for service through the superiors of the officers to be summoned. The Civil Courts should be careful to abstain from ordering the production of police station diaries unnecessarily, complaint having been made of the inconvenience caused by such requisitions.

(*w*) [*Summons on person in Military employ—C. O. No. 24 of 24th June 1878.*]—Whenever it may be necessary to summon an Officer or soldier in Military employ to attend a Civil or Criminal Court as a witness, the process-server who is to serve the summons should be instructed to take it under cover to the Officer in command of the regiment or detachment with which the witness may be serving, and to apply for his assistance in serving it. With the assistance given, the process-server shall then proceed to serve the process, and shall make his return direct to the Court. In such cases sufficient time should always be given to admit of arrangements being made for the relief of the witness summoned.

(*x*) [*Section 85, C.C.P.—Service of summons within the jurisdiction of another Court—C. O. No. 17 of 14th May 1872.*]—Summons issued under section 85 of the Civil Procedure Code should ordinarily be sent, not to the Judge of the district where it has to be served, but to the Court "by which it can be conveniently served," *i. e.*, to the Munsif within whose jurisdiction

the defendant or the witness (as the case may be) resides.

4. [*Sections 96 to 107, C. C. P.—Time to be fixed for every act to be done in the course of Proceedings—C. O. No. 79 of 3rd February 1845.*]—In order to prevent the irregular revival of suits disposed of on default, and to expedite the transaction of civil business, the following directions should be observed by Civil Judges and their subordinates:—

(*a*) No order for the filing of pleadings or presentation of exhibits, for the issue of legal process, whether of notice to the opposite party or proclamation or subpœna for the attendance of witnesses; or for production of papers, shall be passed without the simultaneous assignment of a specified period for its fulfilment; provided, of course, that the order, whatever its object and purport, is susceptible of execution within a given period, and provided that by existing enactments no fixed period is allowed for such execution.

(*b*) On the expiry of that period without execution of the order to which it relates having taken place, it shall be the duty of the Sarrishtadar, or other ministerial officer, to bring the fact to the notice of the presiding authority, and to lay the record of the case before him, for such instructions as he may be pleased to issue.

5. [*Ibid—Procedure in the absence of parties—C. O. No. 2 of 30th January 1875.*]—District Judges should satisfy themselves that the provisions of clause (a) of section 100 of the Code of Civil Procedure are carried out according to their true intent, *i. e.*, the Court should proceed to hear the case *ex parte* only on proof to its satisfaction that the summons has been duly served. The procedure of sections 103 and 108 is not applicable

to suits dismissed under section 98 of the same Code in consequence of neither party appearing.

6 [*Sections 110 to 116, C. C. P.—Written statements—C. O. No. 14 of 12th May 1864.*]—The particular attention of District Judges is drawn to sections 110 and 112 of the Civil Procedure Code; they should impress upon their subordinates and the Pleaders and Mukhtars in attendance in their Court the necessity of a strict adherence to the rules therein laid down; they should also instruct the Sarrishtadar or other officer of their Court to prepare a memorandum, to be filed with the records in each case brought up in appeal, showing the date on which the first hearing of the suit was fixed, and the dates on which the written statements of the parties, if any with the record, were filed.

7. [*Sections 179 to 193, C. C. P.—Hearing of suits and examination of witnesses—C. O. No. 35 of 30th November 1878.*]—The provisions of sections 179 and 180 of the Code of Civil Procedure are entirely disregarded in many Subordinate Civil Courts, and the old practice continues unchecked of taking the whole of the evidence first, not always continuously, and then (perhaps days afterwards) letting the Vakeels begin the case over again for argument, which generally involves reading the evidence afresh. The proceedings are greatly simplified when, as the law intends, the party who has the right to begin states his case, and is afterwards held rigidly to it. But under the old practice great facilities were afforded to a party to improve the case as it proceeded, so that, when the entire evidence on his side was taken, he was in a position to present an entirely new case to the Court. Such practices as these, wherever they exist, must be at once discontinued. Section 198 of the Code, while it allows of an adjournment for the Judge to consider his

decision, in no manner warrants an adjournment to allow the Pleaders to prepare their arguments. Civil Judicial Officers are required in future to insist strictly on the Pleaders conforming to the Code, and the Court will hold District Judges responsible for the observance of the practice prescribed by law in the Courts subordinate to them.

8. [*Sections 194 to 197, C. C. P.—Instructions regarding the reception of Affidavits—C. O. No. 32 of 10th September 1880.*]—(*a*) In all suits and appeals evidence should, as a general rule, "be taken orally in open Court in the presence, and under the personal direction and superintendence, of the Judge" (section 181). The power to order that any particular fact or facts may be proved by affidavit, or that the affidavit of any witness may be read at the hearing, should be exercised only under special circumstances or, as section 194 declares, "*for sufficient reason,*" which should always be specified in the order. General orders cannot therefore be given for the admission of affidavits in suits or appeals; where any such orders have been given, they should be withdrawn.

(*b*) The Courts should not require any fact to be proved by affidavit which the law directs shall be made the subject of a verified petition; and they should also be careful to enforce section 196, and, except in interlocutory applications (see section 195), to confine the use of affidavits to such facts as the declarant is able to prove of his own knowledge, and to refuse statements founded on mere belief.

(*c*) In determining how the costs of affidavits should be borne by the parties to the suit, a Court should have especial regard to the circumstances under which they were admitted. When an affidavit has been allowed for

the convenience of one of the parties or of one of his witnesses, the costs so incurred should not form costs in the suit and be charged against the opposite party.

**9.** [*Section 202, C. C. P.—Judgment when to be pronounced and signed—C. O. No. 31 of 3rd October 1864.*]—The practice of pronouncing the decision at the close of the trial, but not of writing the judgment until several days after, and then giving it the date on which the decision was pronounced, is entirely at variance with the injunction contained in section 202 of the Code of Civil Procedure, which requires the judgment to be dated and signed in open Court at the time it is pronounced, and it is from the date on which the written judgment is pronounced and signed that the time allowed for appealing, subject to the exclusion of the period required for obtaining a copy of the decree appealed against, should invariably be reckoned.

**10.** [*Sections 206 to 216, C. C. P.—Decree to be specific and clear—C. O. No. 22 of 19th July 1867.*]—(*a*) The attention of all subordinate Courts is directed to the necessity of strict adherence to the provisions of the Civil Procedure Code in drawing up their decrees.

(*b*) The decrees of Mofussil Courts are often very far from "specifying clearly the relief granted, or other determination of the suit," as prescribed in the 206th section of the Code. Very frequently the Court is found to have ordered "that the suit be decreed in favour of the plaintiff, with costs and interest," or "that the plaintiff obtain posssession of the property mentioned in the plaint," while the commencement of the decree, instead of containing (as directed) the *particulars of the claim* as stated in the register of the suit, contains merely a vague description of the *nature* of

the claim, such as "a claim for possession of lákhiráj land with wásilát," &c.

(c) And, unfortunately, the plaint itself in many cases is not as explicit as the law requires it to be, and thus it is occasionally necessary to look at the evidence, or at the written statements, in order to ascertain precisely what was the subject-matter of the suit. It is doubtless for this reason that the inferior Courts, when called upon to execute decrees, are in the habit of referring to the records of the original suits, and for this purpose the records are sent backwards and forwards to the great detriment of the papers, and to the serious inconvenience of the Appellate Courts.

Section 50, Act X of 1877

(d) The lower Civil Courts should therefore be careful to draw up their decrees in such a manner that, in order to the understanding and execution of them, it may not be necessary to refer to any other document or paper whatever.

(e) Attentive study of sections 206 to 216 of the Code will in most cases supply the Judges with the precise direction required in framing their decrees; and even where the case does not seem to be expressly provided for, the principles there given will apply.

(f) Accuracy in this respect would be very materially promoted if the parties to the suit, and more especially their Pleaders, would attend to the preparation of the decrees before they are finally recorded, and see that they contain all requisite particulars, and also that they do not go beyond the judgment.

(g) Errors and omissions will be detected by the parties interested which may escape the observation of the officers and even of the Court, and it is obviously better that such imperfections should be corrected before sig-

nature of the decree than upon application weeks, months, or years afterwards.

(*h*) For this reason the Pleaders on both sides shall be required to affix their signatures to the decrees of the Mofussil Courts before they are signed by the Judges; where any Pleader shall not have signed the decree, the cause of his failing or refusing to sign shall be certified on the decree.

**11.** [*Section 223, C. C. P.—Copies of decrees to be forwarded under section 223 at the expense of the decree-holders—C. O. No. 20 of 4th September 1865.*]—The practice, wherever it may prevail, of forwarding copies of decrees and certificates under section 223 of the Code of Civil Procedure *on the public service* is prohibited. Whenever a Court in one district may transmit a certificate and a copy of a decree for execution in another district, the transmitting Court shall require from the party desiring its assistance stamps sufficient, not only to pay the postage to the District Court, but also to forward the envelope to the subordinate Court in which the decree is to be executed, and shall enclose these last in the letter giving cover to the certificate and copy of the decree, and copy of any order that may have been made for execution.[1]

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[1] With respect to the execution in Native States of decrees obtained from British tribunals, the following instructions have been embodied by the Government of India in Resolution No. 240 of the 27th August 1868 (C. O. No. 4 of 8th December 1868).—

(1) The rule contemplated for cases and States where regular tribunals exist (*vide* Resolution of Government of India, No 23 of 31st January 1867) will still be maintained. Holders of decrees obtained in British tribunals must present them, themselves or by their lawfully constituted agents, for execution before such tribunals, without in any way invoking the aid or relying on the influence of the British representative. The question of reciprocity in the execution of decrees is one which the tribunals of the respective Governments must decide.

(2) Where there are no regular tribunals, the political representative will, as a general rule, abstain from putting any pressure on, or using his influence with the Chief or the Durbar, in order to the execution of a decree obtained in British terri-

**12.** [*Section 244, C. C. P.—Court fee payable on appeals from certain orders—C. O. No. 6 of 10th January 1880.*]—With regard to the following notification, it will be observed that, while the fee payable on appeals from certain orders passed under section 244 of the Code of Civil Procedure is limited to the amount chargeable under Article 11, Schedule II of the Court Fees Act, cases may occur in which, under the ordinary rules for the valuation of appeals from decrees, the fee payable may be less than this amount. Further, the notification

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tory. Nor ought this determination to inflict any real hardship on claimants who successfully have resorted to our Courts for redress.

(3) In many cases where large sums of money are claimed from debtors resident in British territory, such persons, if they abscond into Native States, leave either property or partners behind them in the said British territory, against whom execution may at once be taken out; and in all cases, where plaintiffs apprehend that a defaulting debtor may abscond, or may convey away his property, the provisions of the Code of Civil Procedure regarding the attachment of property while a suit is pending, afford to all litigants, who are properly alive to their rights and position during litigation, a fair and adequate security against eventual loss by evasion or default.

(4) There may occur, however, some flagrant cases in which a defaulting and absconding debtor possesses large means within the limits of Native territories, in which the default and evasion may be marked by acts of gross fraud and flagrant dishonesty, and in which, by deceit or artifice, he may have reduced the honest creditor to ruin, or have left him without the slightest prospect of redress; and there may be other peculiar circumstances which, in the judgment of the Political Officer might render interposition on his part expedient. In such cases the representative of the British power may, when applied to most properly use his discretion in pointing out to the Chief and the Durbar the special circumstances which render intervention desirable, and may urge them to compel the defaulter to discharge his habilities. In cases of remarkable difficulty or doubt the political authority may, if he thinks fit, refer the matter to Government for orders before taking any action. But it must be clearly understood that these cases will form the exception, and not the rule, and that the political authority will only adopt this course when he is fully satisfied that the case is distinguished by exceptional circumstances, and that the claimant has been the victim of fraud and trickery, and has, practically, no other means of obtaining his rights.

(5) In such marked cases the Governor General in Council does not doubt that the moral influence and advice of the British official may be properly exerted, and that the Durbar will recognise the property of insiting that the evading debtor shall come to some satisfactory arrangement with his creditors.

(6) The Resolution of the 31st of January is hereby cancelled, and all officers will henceforth be guided by the principles as above laid down.

does not apply to appeals from orders rejecting plaints, or to appeals in certain miscellaneous cases, such as Certificate and Probate cases.

*Notification by the Government of India, Department of Finance and Commerce, No. 3967, dated Simla, the 22nd November 1879*

Whereas certain orders issued by the Civil Courts under section 244 of the Code of Civil Procedure, 1877, have been declared to be "decrees" by section 2 of Act XII of 1879:

In exercise of the powers conferred by section 35 of the Court Fees Act, 1870, the Governor General in Council is pleased to direct that the Court-fee payable on appeals from such orders issued under section 244 of the Code of Civil Procedure shall be limited to the amounts chargeable under Article 11, Schedule II of the Court Fees Act.

**13.** [*Section 248, C. C. P.—Fees chargeable on certain Notices—C. O. No. 14 of 10th March 1880.*]—Notices under section 248, Code of Civil Procedure, issued to persons against whom execution is applied for, must be taken to be chargeable, not under article 1, but under article 7, rule 1, Parts II, III, and IV of the Rules under clause 1, section 20 of the Court Fees Act.[1]

**14.** [*Sections 266 to 285, C. C. P.—Attachment of property in execution.*

(*a*) [*Attachment of moveable property, section 269, C. C. P.—C. O. No. 19 of 28th April 1879.*]—When the officer, who effects an attachment under section 269 of the Code of Civil Procedure, believes that the property attached does not exceed twenty rupees in value, he shall inform the debtor or, in his absence, any present adult member of his family, that it will be sold by public auction at once, without the issue of any proclamation under section 287. If the decree-holder or the judgment-debtor, or any person on his behalf, objects to

[1] *Vide* Chapter IV, Rule 8

the adoption of the course, the attaching officer shall convoke a punchayet of not less than three respectable adult male inhabitants of the neighbourhood, of whom ordinarily the headman of the village should be one, and shall require them to assess the value of the property. If they determine that it exceeds Rs. 20 in value, he shall deal with it under the rules[1] framed by the

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[1] *Rules for the Maintenance and Custody, while under attachment, of Live-stock and other Movable property above the value of twenty rupees.*

I. The attaching officer shall give the debtor, or, in his absence, any present adult member of his family, the option of having the attached property kept on his premises, or in some other place in the village, on condition that a suitable place for its safe custody be provided by him.

II. If no such suitable place be provided, the officer shall remove the property to the Court at the decree-holder's expense. In the event of the decree-holder failing to provide the necessary funds, the attachment shall be withdrawn.

III. Whenever attached property is kept at the place where it is attached, the officer shall forthwith report the fact to the Court, and shall with his report forward an accurate list of the property seized, such that the Court may thereon at once issue the proclamation of sale prescribed by section 287.

IV. If the debtor shall give his consent in writing to the sale of the property without awaiting the expiry of the term prescribed in section 290, the officer shall receive the same and forward it without delay to the Court for its orders.

V. When property is removed to the Court, it shall be kept by the Nazir on his own sole responsibility in such place as may be approved by the Court. If the property cannot, from its nature or bulk, be conveniently kept on the Court premises, or in the personal custody of the Nazir, he may, subject to approval by the Court, make such arrangements for its safe custody under his own supervision as may be most convenient and economical, and the Court may fix the remuneration to be allowed to the persons, not being officers of the Court, in whose custody the property is kept.

VI. When property remains at the place where it is attached in the custody of the attaching officer, and any person other than the judgment-debtor shall claim the same, or any part of it, the officer shall nevertheless, unless the decree-holder desires to withdraw the attachment of the property so claimed, remain in possession, and shall direct the claimant to prefer his claim to the Court.

VII. If the decree-holder shall withdraw an attachment, or if it shall be withdrawn under Rule II or Rule IX, the attaching officer shall inform the debtor, or, in his absence, an adult member of his family, that the property is at his disposal.

In the absence of any person to take charge of it, or in case the officer shall have had notice of claim by a person other than the judgment-debtor, the officer shall, if the property has been moved from the premises in which it was seized, replace it where it was found at the time of seizure.

VIII. Whenever live-stock is kept at the place where it has been attached, the judgment-debtor shall be at liberty to undertake the due feeding and tending of it under the supervision of the attaching officer; but the latter shall, if required by

Lieutenant-Governor of Bengal, otherwise he shall forthwith proceed to sell it by auction, after giving to intending purchasers such reasonable notice as is possible under the circumstances of the case.

(*b*) At the time of making an application under section 230 of the Code of Civil Procedure for the attachment of movable property in the possession of the judgment-debtor, the decreeholder shall pay into Court the costs of issuing the proclamation of sale under section 287 of the same Code, unless the value of the property, is to be attached alleged by him not to exceed rupees twenty in value. In this case, if the value of the property as

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the decree-holder, and on his paying for the same at a rate to be fixed by the District Judge, and subject to the orders of the Court under whose orders the attachment is made, engage the services of as many persons as may be necessary for the safe custody of it.

IX. In the event of the judgment-debtor failing to feed attached live-stock, the officer shall call upon the decree-holder either to pay for feeding it on the spot, or for the expenses attending its removal to the Court. If the decree-holder shall fail to provide for either, the officer shall report the matter to the Court without delay.

X. When attached live-stock is brought to Court, the Nazir shall be responsible for the safe custody and proper feeding of it, so long as the attachment continues.

XI. If there be a Government pound in or near the place where the Court is held, the Nazir shall be at liberty to place in it such attached live-stock as can be properly there kept, in which case the pound-keeper will be responsible for the property to the Nazir, and shall receive the same rates for accommodation and maintenance thereof as are paid in respect of impounded cattle of the same description.

XII. If there be no pound available, or if, in the opinion of the Court, it be inconvenient to lodge the attached live-stock in the pound, the Nazir may keep it in his own premises, or he may entrust it to any person selected by himself and approved by the Court. The Nazir will in all cases remain responsible for the custody of the property.

XIII Each Court shall from time to time fix the rates to be allowed for the custody and maintenance of the various descriptions of live-stock with reference to seasons and local circumstances. The District Judge may make any alteration he deems fit in the rates prescribed by Courts subordinate to him. Where there are two or more Courts in the same place, the rates shall be the same for each Court.

XIV The officer deputed to attach movable property should be furnished with a certificate stating the period for which the Court-fee required under Rule (1) Article 4, Parts II, III, and IV of the Court-fee Rules has been paid, and he shall give notice thereof to the judgment-debtor or other person at whose instance he remains in possession at the place of attachment, and if such person shall desire that the property shall remain at that place for a longer period, he shall be bound to pay into Court in advance the further fee as required by Rule IV.

determined by the above rule is found to exceed rupees twenty, the Court shall require the decree-holder to pay the costs of the proclamation immediately on receipt of the notice of attachment.

(*c*) [*Attachment of Estates—C. O. No. 2 of 10th January 1871.*]—All orders made by Civil Courts for the attachment of estates and shares of estates shall be immediately notified to the Collector of the district within which such estates or shares of estates are situated.

*Explanation*—The above rule does not, however, supersede the written order, which is required by paragraph 3 of section 274, of the Civil Procedure Code to be fixed up in the office of the Collector when land or any interest in land is attached.—(*C O No 3 of 8th February 1876.*)

(*d*) [*Withdrawal of such attachment—C. O. No. 3 of 8th February 1876.*]—Whenever the attachment of an estate or share in an estate is legally and formally withdrawn, such withdrawal shall in like manner be notified to the Collector.

**15.** [*Sections 304 to 307, C. C. P.—Sale of Immovable Property.*]—(*a*) [*Particulars to be inserted in sale certificates—C. O. No. 3 of 6th February 1877*].—Judicial Officers should instruct their subordinates to insert in all certificates of sale of immovable property as accurate a description of the property sold as the nature of each case will admit of.

(*b*) [*C. O. No. 12 of 21st February 1880.*]—The following particulars should be inserted in every case:—

(1) the "addition" (as defined in section 3 of Act III of 1877) of the person who is declared to be the purchaser;

(2) particulars sufficient to identify the property, as required in section 22 of Act III of 1877;

(3) the name of each registration sub-district in which any part of the property is situate.

As the law requires the original certificates to be

stamped, the Courts shall not forward copies of the certificates to the Registry Office until the purchaser has tendered the necessary stamp, and the original certificate has been duly drawn up. On each copy the amount of stamp duty paid on the original certificate under No. 16, Schedule I of the Stamp Act (I of 1879) must be noted. Under No. 9, Schedule II of the same Act, the copies do not themselves require to be stamped. In their preparation, however, forms[1] printed on paper of a uniform size, and having a margin for binding, must be used.

(*c*) [*Sale of buildings in Military Cantonments—C. O. No. 101 of 30th June 1857.*]—Whenever the Civil Courts may have occasion to sell in execution of a decree or other order, any house or other building situated within the limits of a military cantonment or station, they shall, on confirming the sale, forward a copy of the Sale Certificate to the Commanding Officer of such cantonment or station for his information and for record in the Brigade or other proper office.

**16.** [*Sections 328 to 335, C. C. P.—Resistance to Execution—Applications how to be stamped—C. O. No. 14 of 10th March 1880.*]—Applications made to a Court under section 332 of the Code of Civil Procedure by persons dispossessed of property in the execution of decrees, or under section 335, by such persons or by sale purchasers, must, under the provisions of clause (*a*) of Article 1, Schedule II of the Court Fees Act, be stamped, not according to the value of the attached property, but according to the value in dispute in the suit in which the execution proceedings have been held,—that is, one anna only will be chargeable in cases where such value does not amount to fifty rupees.

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[1] To be obtained on indent on the Superintendent of Stationery.

**17.** [*Section 336, C. C. P.—Arrest of Railway servant—C. O. No. 23 of 15th June 1878.*]—As inconvenience and danger to the public are likely to arise from the arrest under civil process of Railway servants, unless such previous notice be given as may enable measures to be taken to provide for the proper performance of their duties, all warrants issued by any Civil Court for the arrest of Railway servants should be entrusted for execution to a selected peon, who shall, if he find on proceeding to execute the warrant that the immediate arrest of the Railway servant would occasion risk or inconvenience, make all arrangements necessary to prevent escape, and defer removing the person arrested from his post for at least twenty-four hours, giving immediate notice of the arrest to the nearest Station Master.

**18.** [*Sections 392 to 400, C. C. P.—Instructions as to the issue of Commissions under section 392—C. O. No. 25 of 25th August 1870.*]—(*a*) The responsibility of ordering an inquiry under section 392 of the Code of Civil Procedure rests entirely with the Court before which the suit is pending. Such Court may order such inquiry when it deems a local investigation to be necessary or proper for the purpose of elucidating the matters in dispute, or of ascertaining the amount of any mesne profits or damages or annual net profits. The Court is therefore to consider, when it is moved to order any such inquiry, whether the nature of the case calls for that particular mode of inquiry; whether the application has been made at a proper stage of the proceedings; whether the importance of the case warrants that expense being imposed upon the parties; and whether such inquiry may not be attended with a delay which will counterbalance the advantage to be derived from it.

(*b*) If the inquiry is ordered, it is necessary to define

the points on which the report of the Ameen is required, and upon which it is to be evidence; and those points ought usually to be excluded which can conveniently, and ought to, be substantiated by the parties by evidence at the trial.

(*c*) A time should then be fixed for making the return, and it should be so fixed that the Ameen may reasonably be expected to comply exactly with the order; and for this purpose the Court may ascertain what the Ameen's engagements are, and arrange accordingly; and it is the especial duty of the District Judge, by attention to the weekly returns of work submitted by the Ameens,[1] to take care that no improper delay occurs in executing commissions entrusted to them. If the instructions have been precise and the Ameens understand their business, they will usually keep within the bounds which have been set for them.

(*d*) It is a very common practice for the Courts to receive and even to invite formal exceptions and objections to the report. It will be observed that section 393 does not contemplate this, but provides merely that "the Court, or, with the permission of the Court, any of the parties to the suit, may examine the commissioner personally in open Court touching any of the matters referred to him or mentioned in his report, or as to the manner in which he has made the investigation."

(*e*) The practice of encouraging petitions of objection leads to the making of charges, frequently quite unfounded, of partiality or corruption against the Ameens. Vakeels who lend themselves to the presentation of these petitions ought to be made to understand the professional impropriety of making such charges

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[1] *Vide* Rule 27, *post*.

without satisfying themselves that there is reasonable and probable ground for them. The report of a Commissioner should be treated, as the Code points out, as evidence in the cause, and should be subject, like the other evidence therein, to oral comment by the Pleaders, and, generally speaking, to that only.

(*f*) In order to a more careful observance of these principles by the subordinate Civil Courts, the following general rules are prescribed :—

(1) Whenever a subordinate Civil Court, either of its own motion or on the application of a party, directs a local inquiry or an inquiry into accounts, the order for such inquiry shall be drawn up in the handwriting of the Judge of such Court and shall contain the following matters :—

*1st.*—Whether the inquiry is directed by the Court *proprio motû*, or upon an application, and if on an application, from which party.

*2nd.*—What the point is which requires elucidation or ascertainment in that particular way.

*3rd.*—Why such matter could not be proved or ascertained in the ordinary way by producing documents at the proper time and witnesses at the trial.

*4th.*—The instructions given to the Commissioner.

(2) Where the Court issuing such commission is subordinate to the District Judge, a copy of such order shall be forthwith submitted to him, and he will note thereon the fact of complete or partial compliance with the foregoing rule.

(3) In all orders for investigation by a Commissioner under section 392, of the Code of Civil Procedure, these rules shall be cited, as well as the section of the Code.

(4) The Judge shall certify in his Annual Report the mode in which his subordinates have complied with these rules.[1]

(*g*) [*Instructions for the guidance of Ameens in making Local Inquiries—C. O. No. 1 of 30th January 1875.*]—

(1) All measurements shall be made with chain and compass, and the chain shall be 30 feet in length.

(2) The work must be plotted to scale, and the scale to be used by Civil Court Ameens is the brass thakbust scale, 330 feet to the inch, or 16 inches to the mile.

(3) This scale is made by dividing four inches into eleven equal parts, each of which will therefore be equal to a russee or beegha-side of 120 feet. Each of these parts sub-divided into four represents the measuring chain of 30 feet, or 5 cottahs.

(4) If the area of the land to be measured is too large to be conveniently shown on the 16-inch scale, the scale may be reduced to one-half. If the plot of land be very small, the scale can be increased to double, *i. e.*, 32 inches to the mile. For practical purposes, the scale of 8 inches to the mile is the smallest scale Civil Court Ameens can safely use with such instruments as they have to work with. The scales enumerated bear due proportion to the professional survey scale, and facilitate comparison with the professional survey maps.[2]

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[1] Commissions for local investigations referred to above may issue only to persons formally appointed Civil Court Ameens, and therefore having a permanent status as Commissioners of the Courts. The employment by Civil Courts of occasional Commissioners, known under the common designation of "Ticca Ameens," is strictly prohibited. If it should appear to the Judge of any district that there should be an increase in the number of authorized Civil Court Ameens available for employment, he may submit a proposal to that effect. But unless sufficient cause can be shown for it, any such proposal to augment the staff will not be entertained. —(*C. O. No. 28 of 8th September 1870.*)

[2] In working from professional survey maps, it will be borne in mind that 20 Gunter's chains, or 1,320 feet, are generally, if not universally, represented by 1 inch. Each inch of a survey village map, therefore, is equal to 11 russees, and each Gunter's chain to 11 cottahs.

(5) The starting point and every bearing and measurement taken must be recorded in a field-book as the measurement proceeds. This field-book must invariably be submitted with the map prepared therefrom, and in it any prominent land-marks adjacent to or on the line of measurement should be noticed.

(6) In order to secure greater clearness and uniformity, it is further directed that all water, whether running or standing, is to be indicated in blue, the land in dispute to be shaded yellow, and all writing on the maps to be so made as to be read when the map is held with the north side uppermost.

**19.** [*Sections 401 to 415, C. C. P.—Rule as to Pauper Suits.*]—(*a*) [*C. O. No. 4 of 16th February 1878.*]—Upon passing a decision in favour of a person suing *in formâ pauperis*, the Judge shall, within seven days from the day on which the decree is signed, deliver to the Government Pleader a copy of such decree.

**20.** [*Sections 416 to 429, C. C. P.—Suits by or against Government or Government Officers.*]—(*a*) [*C. O. No. 23 of 25th July 1871.*]—In every case in which the Government Pleader appears for the Government, whether for the Government as a party on its own account, or for the Government as undertaking, under the provisions of section 426 of the Code of Civil Procedure, the defence of a suit against an Officer of the Government, he shall, in lieu of a vakalutnamah, file a memorandum on unstamped paper signed by him, and stating on whose behalf he appears. Such memorandum shall be, as nearly as may be, in the terms of following form[1] :—

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[1] In every case in which the Government Pleader shall appear on behalf of any officer or servant of the Government, other than cases in which the Government has, under section 426 of the Code of Civil Procedure, undertaken the defence of the suit such Pleader shall file a vakalutnamah in the same manner as any other Pleader.

*Title of the Suit, &c.*

I, A. B., Government Pleader, appear on behalf of the Secretary of State for India in Council (*or*, the Government of Bengal, *or, as the case may be*), respondent (*or, &c.*) in the suit:

*or*, on behalf of the Government (which, under section 426 of the Code of Civil Procedure has undertaken the defence of the suit), respondent (*or, &c.*) in the suit.

(*b*) [*C. O. No. 17 of 6th August 1877.*]—No civil judicial authority shall pay out money to Government Pleaders or persons acting on behalf of Government in any suit, unless they produce an authority in writing from the Collector, or other officer representing Government, directing them to apply to the Court for such money.

**21.** [*Section 434, C. C. P.—Decrees of the Civil and Revenue Courts of Cooch Behar—C. O. No. 17 of 19th April 1879.*]—Under section 434 of the Code of Civil Procedure the Governor General in Council is pleased to declare that decrees of the Civil and Revenue Courts of Cooch Behar may be executed in British India, as if they had been made by the Courts of British India.

The following Certificate shows the mode in which copies of judicial records are certified in the State of Cooch Behar[1]:—

I hereby certify that the mode in which copies of judicial records of the Cooch Behar Courts are certified as correct copies is as follows:—

A copy of the judicial record being made, the words "true copy" are written at the top of the copy, and it is signed by the presiding officer (or, in the case of the Deputy Commissioner's Court, by the Head Clerk and Serishtadar) of the Court in which

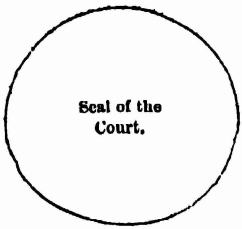
[1] The object of this second notification is to obviate the difficulty which might be experienced if, under section 86 of the Evidence Act, a certificate were to be required in each case of the manner in which documents are certified in Cooch Behar.—(*C. O No 1. of 19th April 1879*)

the original document is recorded, his official designation being added below his signature, and the seal of the Court affixed, thus—

True copy,

A. B.,

*Dewanny Ahilkar of Cooch Behar.*




**22.** [*Section 503, C. C. P.—Appointment of Manager to Revenue-paying Land—C. O. No. 9 of 12th May 1870.*]—When any Civil Court attaches landed property paying revenue to Government, and appoints a manager under section 503 of the Code of Civil Procedure, information of the fact should be always given to the Collector without delay.

**23.** [*Section 553, C. C. P.—Appellate Court how to issue notices, &c.—C. O. No. 23 of 14th September 1865.*]—Every Court acting as an Original Court shall issue its own processes, but Appellate Courts shall ordinarily issue notices, &c., on the parties concerned *through* the original Court. Such is the practice laid down by section 553 of the Code of Civil Procedure, though an Appellate Court may issue its own notices in any particular case in which this course is more convenient.

**24.** [*Sections 584 to 587, C. C. P.—Appeals from Appellate Decrees.*]—(*a*) [*Records to be sent to the High Court within seven days—C. O. No. 10 of 26th April 1864.*]—The records of cases called for by the High Court on appeal from the judgments and orders passed therein, should be despatched within seven days

from the receipt of the order calling for such records. In the event of any delay occurring in their despatch, a reply should be sent explaining the cause of the delay, and the date on which it is expected that the requisition of the Court will be complied with.

(*b*) [*Records of execution cases to be sent up complete—C. O. No. 5 of 4th February 1867.*]—Records of execution cases sent up in appeal to the High Court should be invariably submitted complete,—that is, all the papers connected with them in the Lower Courts, whether original or appellate, should be sent up, so that they may be at hand, in case the Court should find it necessary to refer to them.

(*c*) [*Maps to be pasted on cloth—C. O. No. 2 of 14th January 1867.*]—In Civil cases sent up to the High Court in appeal, in which the preparation of maps may have been necessary for the elucidation of any points of importance, such maps should be pasted upon cloth before being despatched with the records. Much inconvenience has been caused at times by the tattered condition in which maps in important cases have come before the Court.

(*d*) [*Processes in Appeal to the High Court or Privy Council may be sent by Service Post—C. O. No. 19 of 29th July 1870.*]—District Judges in the Lower Provinces are authorized to transmit by Service Post the processes issued in all cases appealed either to the High Court or to Her Majesty in Council.[1] It is to be understood that the processes thus issued should not be registered. If registered, they must be prepaid for by stamps.

**25.** [*Section 645, C. C. P.—Language to be used in the Civil Courts.*]—(*a*) [*C. O. No. 16 of 3rd June*

[1] *Vide* Government of India, Home Department, letter No. 912 of 28th May 1870.

*1864.*]—All plaints, pleadings, and proceedings, oral or written, in the Mofussil Courts subordinate to the High Court shall be in the *vernacular of the district*, and not in Persian, Persianised Urdu, or any other foreign language.

(*b*) [*C. O. No. 4 of 15th March 1869.*]—With the permission of the presiding Judge, any advocate or Pleader may address the Court in English, when any one of the Pleaders on the opposite side is acquainted with that language, or whenever the senior of such Pleaders or his client consents to this being done.

(*c*) [*C. O. No. 8 of 6th March 1872.*]—Pleaders and Mukhtars who practise in the local Courts should be enjoined to abstain from the employment of foreign terms for which the vernacular possesses equivalents in daily use, and to draft petitions and other documents in such language as their clients can readily comprehend.

(*d*) The proceedings of the Courts, with the exception of those technical words which are of necessary occurrence, should be composed in a style such as would be adopted by persons of good education resident in the district.

(*e*) A special caution is necessary as to the recording of oral testimony. It is too common a practice with mohurirs and other persons employed on this duty, instead of taking down the actual words of the witness (as nearly as a simple adherence to grammar will permit), to render, as it were, what he has said into language which the writer considers elegant or appropriate,—that is to say, into the Court jargon. In this way not only is the witness, if an ignorant person, perplexed when his supposed statement is afterwards read over to him, but from one witness being made to speak exactly like

another, all characteristics of distinct testimony are lost, and the evidence, when afterwards referred to, loses much of its effect.

(*f*) [*C. Os. No. 21 of 14th May 1880, and No. 26 of 15th July 1880.*]—His Honor the Lieutenant-Governor has decided on the exclusive use of Nagri (or Kaithi) in the following Divisions :—

*Patna Division.*—In all districts, from the 1st January 1881.

*Bhaugulpore Division.*—In all districts except Maldah and the Sonthal Pergunnahs, from the 1st January 1881.

*Chota Nagpore Division.*—In the Districts of Lohardugga, Hazareebagh, and in the District of Singhbhoom with the exception of Pergunnah Dholbhoom, from the 1st July 1881.

## MISCELLANEOUS ACTS.

### REGULATION XVII OF 1806.

**26.** (*a*) [*Formal proof of Service of Notice of Foreclosure to be taken—C. O. No. 8 of 7th March 1874.*]—Formal contemporaneous proof should be taken of the service of notice in foreclosure proceedings under section 8 of Regulation XVII of 1806.

(*b*) [*Procedure in summary proceedings under the Regulation—C. O. No. 105 of 17th January 1834.*]—The District Judge should confine himself to recording simply the facts which have occurred during the progress of the summary proceeding, such as the application of the conditional purchaser, the issue and service of the prescribed notice, the fact of any petition having been presented by either party, and the like.

### ACT XII OF 1856.—(*Ameens.*)

**27.** [*Books to be kept and reports to be submitted by*

*Civil Court Ameens—C. O. No. 105 of 6th November 1857.*]—(*a*) The District Judge will furnish to the Ameen two blank books which must be kept up according to the following forms:—

No. 1.—DIARY.

| Month. | Day | Short Memorandum of business done daily, to be recorded daily. |
|---|---|---|

No. 2.—REGISTER.

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
|---|---|---|---|---|---|---|---|---|---|
| Number. | Date of receipt of order. | Date of order. | Court issuing it. | Nature of business. | Names of party or parties. | Date of commencement of duty. | Time fixed for performing duty. | Date of report of completion. | REMARKS. |

(*b*) The Ameens shall submit to the District Judge weekly a short report of business completed and pending. It may often be the Judge's duty to examine the diary and register, and to call for full details of an Ameen's proceedings; but this weekly report is intended to keep the Judge informed of the progress of his operations and of the propriety of sending him new work.[1] No doubt, it will frequently be possible for an Ameen to carry on more than one assigned duty, and it will be necessary for the District Judge and his subordinates to

[1] And that no improper delay occurs in executing commissions entrusted to him—(*C. O. No. 25, dated 25th August 1870.*)

consider how far it is proper to require his attention to be simultaneously given to more than one case.

(*c*) When any given duty is completed by an Ameen, the Ameen shall specially report the time it occupied, and each Court must then consider and record the amount which, on account of the Ameen's employment, is chargeable to costs of suit. If in any case the estimated prepayment is found to exceed the actual charge, the excess must be refunded.

(*d*) [*C. O. No. 114 of 12th March 1858.*]—The number of Ameens maintained in each District shall be in proportion to the work to be done.

(*e*) [*C. O. No. 28 of 8th September 1870.*]—The District Judge may for sufficient cause propose an increase in the number.

## ACT XXVII OF 1860.

**28.** (*a*) [*Copy of judgment in certificate case—C. O. No. 17 of 23rd June 1870.*]—No copy of the judgment or decision in a certificate case, in which an order has been made for granting a certificate, shall be granted unless the certificate has been previously issued.[1]

(*b*) [*Provision against fraud—G. L. No. 8 of 27th May 1876.*]—The grant of a certificate under Act XXVII of 1860 should not be treated as a merely formal matter; District Judges should understand that the jurisdiction in question is one of considerable importance, and should be exercised with precaution and after careful enquiry, so as to provide against the fraudulent withdrawal of deposits of old standing by means of forgery and false personation.

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[1] This Rule also applies to certificates under Act XL of 1858.

(*c*) In all cases where a claim against the Government is involved, or where from the time which has elapsed since the death of the person in respect of whose estate a certificate is required, or from any other cause it may appear desirable, notice should be given to the Government Pleader for the Collector's information. No certificate shall be taken to apply to the recovery of a claim against the Government, unless such claim is expressly set forth therein.

(*d*) Act XXVII of 1860 contains no provision which authorizes the reference to a Subordinate Court for enquiry or report. Such reference is therefore irregular and is forbidden accordingly, and the practice of sending the witnesses in any particular case before another Judge for examination is in every way objectionable.

ACT VII OF 1870.—(*Court Fees.*)

**29.** [*Genuineness of Court Fee Stamps to be tested—C. O. No. 2 of 16th January 1873.*]—The attention of the Civil Courts of every grade is drawn to the subject of the following circular, which has been issued by the Board of Revenue to all revenue officers, with reference to the risk of fraud arising from the facility with which adhesive stamps may be forged, and the consequent necessity for special examination by every head of a revenue court of such stamps presented in payment of Court fees.

*Board of Revenue's Circular.*

Certain attempts to forge the adhesive stamps lately issued for the purpose of denoting Court fees have been recently brought to light, and the Member in charge now calls the earnest attention of all district officers to the risk of fraud arising from the greater facility with which such stamps can be forged in comparison with impressed stamps.

Large quantities of these adhesive stamps are daily presented in payment of process fees, and very seldom come under the actual

observation of the head of a revenue court. Attempts to use forged stamps are more likely, therefore, to occur in connection with this mode of using stamps than with any other. Every head of a court in which such fees are paid by stamps is desired in future to call for from time to time papers which have been so stamped, and to satisfy himself thoroughly by personal examination that the stamps used in his court are genuine.

ACT VI OF 1871, "*The Bengal Civil Courts' Act.*"

**30.** (*a*) [*Section 9—District Judge to report appointment of acting Munsif to the Accountant-General—C. M. No. 13 of 21st July 1873.*]— Whenever a District Judge, on the occurrence of any vacancy in the office of Munsif, appoints a person to act in such office, the appointment should be distinguished in the pay abstract by words such as, "Temporary; officiating by order of District Judge under section 9 of Act VI of 1871," and every such appointment should be reported to the Accountant-General as well as to the Court.

(*b*) [*Report what to contain—C. M. No. 16 of 16th September 1873 and C. O. No. 22 of 14th December 1877.*]—The report to the Accountant-General should contain the name of the officer appointed, whether he is a Government servant, the office to which he is appointed, and the occasion of the appointment. The date of joining should also be communicated either with the first report (which will be in sufficient time if sent when the officer joins) or in a subsequent separate report. The District Judge should also give intimation to the officer in charge of the Treasury from which the Munsif's pay will be disbursed.

(*c*) [*Similar Report required when the Sarrishtadar is placed in charge—C. M. No. 4 of 5th August 1871.*]— In all cases in which the Sarrishtadar is placed in charge of the current duties of a Munsif's court during the temporary absence on leave or otherwise of the Munsif,

or pending the arrival of his *locum tenens* or successor, the fact should be reported for the sanction of the Court in the same manner as is necessary when a District Judge appoints an officiating Munsif under section 9 of The Bengal Civil Courts' Act, 1871.

(*d*) [*Section 29—Recommendation that Small Cause Court powers be conferred on any Munsif—C. O. No. 24 of 12th August 1871.*]—District Judges and Judicial Commissioners should inform the Court, when for any special cause they consider it advisable that a particular Munsif should be invested under section 29 of The Bengal Civil Courts' Act (VI of 1871) with the jurisdiction of a Court of Small Causes up to the amount of *fifty* rupees; stating both the local circumstances which appear to call for the measure, and the Munsif's fitness to exercise such powers. Among the circumstances which should be stated are the following—whether there is more than one Munsif at the station indicated, and if so, what is the distribution of business between the Munsifs and within what limits it is intended that the proposed jurisdiction should be exercised.

(*e*) [*Destruction of records of Small Cause Court cases disposed of by Munsifs—C. O. No. 7 of 12th June 1875.*]—The orders[1] regarding the destruction of the records of cases disposed of in the Courts of Small Causes apply also to records of such cases as are decided under section 29 of Act VI of 1871, by those Subordinate Judges and Munsifs who, in addition to their ordinary powers, are vested under the above section with the jurisdiction of a Judge of Small Causes.

ACT III OF 1877.—(*Registration.*)

**31.** [*Procedure when a Registered Document is*

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[1] *Vide* Rule 57, *post.*

*discredited by the Civil Courts—C. O. No. 37 of 10th December 1879.*]—Civil Judicial Officers should furnish the District Registrar with a brief notice of the facts of any case in which a registered document is discredited by the judgment of Court.

ACT I OF 1879.—(*Indian Stamp Act.*)

**32.** (*a*) [*Procedure when the Genuineness of a Stamp is doubted—C. O. No. 8 of 14th January 1880.*]—When a Judicial Officer sees reason to doubt the genuineness of a stamp filed before him, the stamp should be forwarded to the Collector of the District, who will examine it, and satisfy himself, if possible, as to its character, reporting the result to the Officer sending it. Care should be taken to retain an examined copy of any document bearing a stamp which may be forwarded to the Collector under the above orders.

(*b*) [*Fraudulent stamping of documents after execution—C. O. No. 5 of 25th March 1876.*]—In all cases in which the Civil Courts find any document which comes before them to have been stamped after its execution in contravention of law, they should give a copy of their judgment to the Government Pleader with a view to the prosecution, if necessary, by the Revenue Authorities, of the parties concerned in such after-stamping.

(*c*) [*G. L. No. 14 of 30th September 1880.*]—In dealing with unstamped or insufficiently-stamped instruments executed before the present Stamp Act, 1879, came into force, the procedure to be adopted and the penalties to be levied should be regulated, not by the old Acts which have been repealed, but by the Indian Stamp Act, I of 1879.

ACT IX (B. C.) OF 1879.—(*Wards.*)

**33** [*Applications under section 10 how to be dealt*

*with—C. O. No. 9 of 17th January 1880.*]—Officers presiding in the Civil Courts should send under cover to the Collector, or the Deputy Commissioner, as the case may be, for transmission to the Court of Wards, all applications addressed to such Court, under section 10, Act IX (B. C.) of 1879, asking it to take charge of the properties of minors.

ACT XVIII OF 1879.—(*Legal Practitioners.*)

**34.** [*Sections 4 and 5—Restriction as to practice by Vakeels of other High Courts—C. O. No. 38 of 15th December 1879.*]—An Advocate, Vakeel, or Attorney of a High Court, other than the Calcutta Court, will not, after the 1st January 1880, be entitled to practise as such in the Lower Provinces of Bengal, unless he ordinarily practises in the Court on the roll of which he is entered, or some Court subordinate thereto.

**35.** [*Section 7—Annual Return of Renewed Certificates to be submitted by District Judges.*]—(*a*) [*C. O. No. 12 of 30th June 1877.*]—All Pleaders' and Mukhtars' certificates, whether taken out for the first time or renewed, shall be issued by District Judges as from the 1st January of the year in which they are taken out. District Judges shall submit, during the first week of February in the following year, a return form of the certificates renewed by them for the current calendar year, as well as the names of those Pleaders and Mukhtars who had not renewed their certificates up to the date of report, and who are not therefore entitled to practise. A list containing the names of these last-mentioned persons shall be stuck up in the Court House, with an intimation that they are liable to penalties if found practising without having renewed their certificates. If any Pleader or Mukhtar whose name appears in the list

shall subsequently take out a certificate during the year, his name shall be reported to the High Court.

*Annual Return of_____enrolled in the Court of the_____at*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Number in the High Court's Register and year of admission. | Name and Degree, if any. | Father's Name. | Place where practising. | Value of stamp on certificate. | Date of last renewal. | REMARKS. |
| | | | | | | |

NOTE.—The district in which a practitioner was originally enrolled should always be stated in the column of remarks when he obtains enrolment in another district.[1]

*N.B.*—In preparing this return, the names should be arranged in the order in which they stand in the High Court Registers, with a view to facilitate the checking of the return in the office of the High Court.—(*G. L. No. 16 of 14th December 1880.*)

(*b*) [*G. L. No. 2 of 30th January 1878.*]—Separate lists should be submitted of, (*1st*) Pleaders of the higher grade, (*2nd*) Pleaders of the lower grade, and (*3rd*) Mukhtars, and the first part of each should show, in order of seniority, the names, &c., of those who have renewed their certificates, and the latter part the names, &c., of those who have not done so.

(*c*) [*C. O. No. 17 of 23rd June 1874.*]—In reporting to the Court the renewal of Pleaders' and Mukhtars' Certificates under section 7 of Act XVIII of 1879, District Judges should in all cases state the name of the Pleader's or Mukhtar's father as well as the Pleader's or Mukhtar's register number in the High Court's

[1] G. L. No. 4 of 29th January 1880.

Register, in order that he may be identified in the rolls in the Court's office.

(*d*) [*C. O. No. 7A of 25th June 1875.*]—Applications made by Vakeels and Mukhtars for the renewal of their certificates ought to be made in open Court, and on stamped paper.

(*e*) [*C. O. No. 40 of 10th December 1880—Courts' Register of Practitioners enrolled and practising therein.*]—There shall be maintained in each of the Subordinate Civil Courts a Register in the following form of all Pleaders and Mukhtars enrolled in it under section 8 of the Legal Practitioners' Act, XVIII of 1879.

*Register of* *enrolled in the Court of the* *at*

| 1 | 2 | 3 | 4 | 5 | 6 | 7 |
|---|---|---|---|---|---|---|
| Number in the High Court's Register and year of admission. | Name and Degree, if any. | Father's Name. | Place where practising. | Value of stamp on certificate | Date of last renewal. | REMARKS. |
| | | | | | | |

**36.** [*Miscellaneous Instructions regarding Practitioners.*]—(*a*) [*C. O. No. 34 of 15th September 1813, and C. O. No. 9 of 6th April 1871.*]—*Vakalutnamahs*, whether executed by principals or their attorneys and agents, and *mukhtarnamahs* under the authority of which *vakalutnamahs* are executed, shall not be required to be verified on oath. The responsibility in regard to all such documents being properly and correctly executed shall rest entirely with the *Vakeels*. This rule does not apply to cases in which only *mukhtars* or agents are employed. In all such cases the *mukhtarnamah* shall be verified on oath except in the case

of certificated Mukhtars who have passed the examination prescribed by the rules framed under Act XX of 1865.[1]

(*b*) [*G. L. No. 9 of 10th July 1880.*]—Mukhtars who were admitted to practice in accordance with the provisions of No. 39 of the Rules dated 2nd May 1866, "for the qualification, admission, and enrolment of Pleaders and Mukhtars in Mofussil Courts," and who have not since passed the prescribed examination, have no authority to appear and practise in any but *Criminal Courts*. District Judges should take such measures as will prevent any such practitioners from practising in any Civil Court in their districts.

(*c*) [*C. O. No. 229 of 28th September 1842.*]—Vakeels in suits cannot receive, without a special power, sums realized in execution of decrees. The powers conferred on a Vakeel cease on the enforcement of the decree,—that is, on payment of the money (if money be decreed) into court. Taking the money out of court is a subsequent and separate transaction, and should not be permitted to a Vakeel except where his vakalutnamah by a special clause to that effect, or some separate instrument, distinctly confers on him the authority to receive it.

(*d*) [*C. O. No. 15 of 22nd April 1863.*]—No Judicial Officer shall be allowed to practise as a Pleader during the term of any leave that he may obtain from the Court.

(*e*) [*C. M. No. 21 of 13th December 1873.*]—Pleaders of both the higher and lower grades, admitted

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[1] This exception does not affect the practice in Criminal Courts, a discretion in the matter of recognising Mukhtars being reserved to them by section 186 of Act X of 1872; nor does it apply to any Mukhtars other than those specified in the exception.—(*C. O. No. 9 of 6th April 1871*)

and enrolled under Act XX of 1865 or Act XVIII of 1879 may hold the office of Sub-Registrar of Deeds without prejudice to their practice. District Judges should report if any inconvenience appears to result from the office of Sub-Registrar being held by a Pleader in active practice.

## MISCELLANEOUS ORDERS.

### COPIES.

**37.** [*Applications for information and for unauthenticated copies—C. O. No. 18 of 23rd June 1870.*[1]]—

I. All applications for *information* or for *unauthenticated copies* of papers or documents, shall be made at a place and to the officer designated by the District Judge for that purpose, between the hours of 12 and 2.

II. The officer to be so designated shall be either the record-keeper or such other paid ministerial officer of the Judge's court as can be spared. The officer taking the duty on each day shall be noted by the Sarrishtadar in the office diary.

III. The applications shall be on a printed form A in duplicate, to be obtained from the nazir at the price of 1 pice or ¼ anna per sheet. The applicant is to present it with the duplicate spaces reserved for the date, his name and residence, and the particulars of the information required filled up. The officer receiving such application is to enter in duplicate in the first column the consecutive number, and in the fifth column his signature. If he can furnish the information at once, he will note the same on the upper portion of the form in the column for remarks and make that part over to

[1] These provisions have been extended to subordinate Civil Courts (*C. O. No 30 of 19th September 1870*), and to Courts of Small Causes subject to the control of the High Court under section 4, Act XI of 1865 (*C. O. No. 22 of 18th July 1871*).

the applicant, taking the latter's receipt in the column for remarks in the lower portion, which will be retained and recorded in the office. If he cannot furnish the information at once, he will enter in duplicate, in the fourth column of the form, the date by which the information can be furnished. The upper and lower portions of the form, with columns 1, 2, 3, 4, and 5 thus filled up, will then be separated. The lower part will be made over to the applicant, with a direction to return with it at the time fixed. The upper portion will be passed on to the amlah, to whose department it pertains, who will enter in the column for remarks the necessary information, and return it to the receiving officer before the time prescribed. On the applicant's re-appearance, this upper portion, bearing the information, will be made over to him, and the lower portion, bearing his dated receipt in the column for remarks, will be taken from him and recorded in the office.

IV.[1] When a copy of a judgment or decree or any other document is required, the party requiring the same shall deliver to the Officer designated by the Judge under Rule I an application signed by his Vakeel or by his authorized agent, or by himself, if acting in person, in Form B, which will be obtainable in loose sheets in the same way and at the same cost as Form A. Every such application shall be numbered consecutively as received, and it shall be the duty of the Officer to whom the requisition is delivered at once, if possible, or during the same day, or not later than the following day, to ascertain the amount of the fees payable for the copy asked for, and at the same time to inform the applicant

[1] This rule has been substituted for the original rule of the same number, by C. O. No 22 of 28th May 1879

thereof. When such information cannot be given at once, the Officer shall inform the applicant when he may expect to obtain it, and it shall be the duty of the applicant to attend at the time named. The amount shall always be noted on the back of the requisition, and the applicant shall be required to put his signature thereto as an acknowledgment of his having received the information. The body or main portion of the form shall then be passed on into the office with a memorandum stating the date and hour by which the copy is to be ready, and a corresponding note shall be invariably made on the counterfoil which is to be returned to the applicant.

V. Care will be taken to have the copy ready in each case by the time fixed, before which it will, with the body of Form B attached to it, be handed back to the record-keeper or other officer, who, on the original applicant's appearance with the counterfoil, will make over the copy to him, taking his receipt for the same in the last column of the form for remarks, in which the date of such receipt will also be noted. These forms will then be recorded in the office, filed in the order of their admission in a separate series for each month. At the close of each quarter they will be examined by the Sarrishtadar, who will bring to notice any irregularity or unpunctuality that may be apparent in the department. At the end of the year the Judge, after satisfying himself as to the working of the office by an inspection of the forms recorded during the year, may order their sale as waste paper, or direct their destruction.

VI. The Judge is to license as many copyists, to be selected as far as practicable from the apprentices in his office,—regard of course being had to their efficiency,—as may be required for the purpose of supplying all

applicants with copies without inconvenient delay; and no one but a licensed copyist is to be employed in the preparation of copies.

On each copy the amount of the fee received is to be noted as follows:—

Number of words
(English or vernacular)
in the copy at
anna per 100 words is . . Rs. 0 0 0

Received payment,

A. B.,
*Licensed Copyist.*

VII. Copies of maps and plans cannot be supplied from the Judge's office, but application should be made to the offices where the original maps are deposited. No copy of a copy shall be supplied without express sanction of the Judge.

VIII. The number of copyists licensed should not be greater than will admit, under ordinary circumstances, of each Vernacular copyist earning at least Rs. 12, and of each English copyist earning at least Rs. 20, per month. Each copyist is to keep a register showing his receipts, which he is to submit once a month to the Judge, who will thus be enabled to regulate the establishment of copyists and to reduce the number, if required, with reference to the provisions of the preceding rule. The Judge may, under pressure of work, depute to his Sarrishtadar the duty of examining these registers; but he is under no circumstance to omit doing so himself at least once a quarter, and a certificate of his inspection of these books is always to be inserted in the Annual Report.

IX. A fee of 8 annas shall be charged for searching.

No fees are to be required or paid for searching or copying papers wanted by public officers for public purposes.

X. A book is to be kept by the record-keeper, in which all sums received on account of searching are to be entered. These sums are to be handed over daily to the Nazir, and by him paid into the treasury to the credit of Law and Justice, under such heading as the Government may direct, once a month, or oftener, if, with regard to the amount received, this should be necessary.

XI. The record-rooms are not open to the public generally, but public Officers of the district (including Sarrishtadars) and Pleaders may enter the record-room and examine the record of any case in the presence of the record-keeper or one of his assistants. Pleaders before making such examination should pay the fee prescribed by Rule IX.

XII. Loose sheets of forms A and B should be indented for on the Superintendent of Government Stationery. Either English or Vernacular forms may be thus indented for, as translations of forms A and B in Bengali and Urdu have been sent by the Court to the Superintendent.

A.

*Form of Application for information.*

| Number and date | Name and residence of applicant. | Nature of the information required | Date on which the information is to be ready | Signature of officer receiving the application | REMARKS |
|---|---|---|---|---|---|
| | | | | | |

NOTE.—These forms may be procured from the nazir of the court at 1 pice per single form, or 100 for a rupee.

The person applying for information is to fill up columns 1 (except the No), 2, and 3, and present it to the officer appointed to receive such applications, who, if the information required cannot be immediately supplied, will fill up, tear off, and return the bottom part of the form to the applicant.

B.—COUNTERFOIL.

ame of applicant.

Date of receipt of application.

ime by which the copy required to be ready.

# B.

## *Form of Application for copies.*

| Number and date of application. | Name, residence, and description of applicant. | Specification of paper of which the copy is required. | Case or proceeding in which such paper is to be found or was filed. | Name of office or department where the paper in question is to be found. | Time when copy will be ready | Name of copyist. | Name of officer receiving application who fills up the three preceding columns. | REMARKS. |
|---|---|---|---|---|---|---|---|---|
| | | | | | | | | |

Copy required will be furnished by on the at

*Signature.*

*Note.*—These forms * may be procured from the nazir of the court at a pice per single form, or 100 for a rupee. The person applying for a copy is to fill up columns 1 (except the No.), 2, and 3, and present it to the officer appointed to receive such applications, who will pass it on to the proper officer.

* These forms are also supplied in Bengali and Urdu.

**38.** [*Instructions for dealing with Applications for Certified Copies of Documents appertaining to the record of a Civil suit—C. O. No. 6 of 2nd June 1875.*]

(*a*) A plaintiff, or a defendant who has appeared to the suit, is entitled, at any stage of the suit, to obtain copies of the record of the suit, including exhibits which have been put in *and finally accepted* by the Court as evidence.

(*N. B.*—A party who has been ordered to file a written statement is not entitled to inspect or take a copy of a written statement filed by another party until he has first filed his own.)

(*b*) A stranger to the suit may, *after decree*, obtain, as of course, copies of the plaint, written statements, affidavits, and petitions filed in the suit: and may, for sufficient reason shown to the satisfaction of the Court, obtain copies of any such documents *before decree*.

(*c*) A stranger to the suit may also obtain, as of course, copies of judgments, decrees, or orders at any time after they have been passed or made.

(*d*) A stranger to the suit has no right to obtain copies of exhibits put in evidence, except with the consent of the person by whom they were produced.

NOTE.—Attention should be given to the above instructions, in determining whether or not an application for a certified copy of a document appertaining to the record of a civil suit should be granted or not.—(*C. O. No. 30 of 23rd August 1879.*)

**39.** [*Applications for Copies of Letters and Resolutions of the High Court—C. O. No. 47 of 19th April 1844.*]—Whenever applications are made for copies of any letters from, or resolutions passed by, the High Court, the applicants should be referred to the Court.

**40.** [*Register of Applications for Copies—C. O. No. 35 of 1st October 1880.*]—A Register of Applica-

tions for Copies should be maintained, in the following form:—

*Register of Applications for Copies.*

| Serial number. | Date of application. | Name of applicant. | Number of Folios. | | | | Date on which copy was ready for delivery. | Date on which delivery was taken. | Remarks. |
|---|---|---|---|---|---|---|---|---|---|
| | | | Filed with application. | Filed afterwards. | Returned unused. | Used. | | | |
| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 |
| | | | | | | | | | |

**41.** [*Charges for authenticated and unauthenticated Copies—C. O. No. 35 of 1st October 1880.*]—(*a*) In all Civil Courts, a uniform charge shall be made for the preparation of copies, whether authenticated or unauthenticated, at the rate of four annas per folio. This term, it is to be carefully explained to all subordinate officers, merely denominates a certain quantity of manuscript; the folio to consist of 150 words English, or of 300 words Vernacular, four figures counting as one word.

(*b*) It is intended that this charge should eventually be levied by means of an impressed stamp of four annas on each sheet of paper corresponding with the folio to be provided by the applicant for a copy. The preparation locally of special stamps for the purpose has been authorized by the Government. Some delay is, however, likely to occur in obtaining paper of the proper

size and description. Till such stamps are available, sheets bearing each an impressed (non-judicial) stamp of two annas[1] will be used for the preparation of the copies. Each of these sheets is intended to contain half a folio—that is, 75 words English, or 150 words Vernacular. As there are 15 lines in each sheet, no line should contain more than 5 words English, or 10 words Vernacular.

(*c*) All copies, whether authenticated or unauthenticated, must in future, before issue, be examined by a salaried officer.[2] The copies themselves will in all cases be made by section-writers, who will be remunerated at the rate of 2 annas per folio.

(*d*) Half the charge of four annas per folio, levied by means of the impressed stamp, represents the payment to Government on account of the salary of examiners, cost of papers, &c.; the other half will represent the earnings of the section-writers, whose accounts will be made up monthly, and the amount due to each paid out of contingencies. These payments must be checked at the time with the upper part of each stamp, which, when the copy is ready, must be torn off each sheet, along the perforated line, and then endorsed with the copyist's name, and kept till the end of the month. Care must be taken to see that nothing in excess of half the amount realized in stamps is paid away.

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[1] The Superintendent of Stamps will be requested to arrange for the supply of these stamps through the usual channel, to have them enfaced with the words "For copies," ruled, and perforated.

[2] The duty of examining copies should be, as a rule, entrusted to the Head Clerk or Sarrishtadar; but where this is not possible, the Judge of the Court should make any other suitable arrangement, except that the copyists must not be allowed to examine for each other.—(*C. O. No 8. of 9th June 1875.*)

Unauthenticated copies should only be marked as "examined" and initialled by the examiner, while copies to be used, or capable of being used as evidence, should be "certified to be a correct copy" and signed in full, and bear the seal of the Court.—*C. O. No. 30 of 23rd August 1879.*)

(*e*) To prevent the risk of stamped slips being used more than once, the officer passing a copyist's account will, after checking it as directed, tear the slips to pieces and cause them to be burnt in his presence. A certificate that this has been done must be attached to the contingent bill on which the copyists' fees are drawn.

(*f*) To protect the interests of the Government, care must be taken to see that all copies issued from the Courts are prepared on the prescribed stamp paper; they must be written on one side of the sheet only, and must not contain more than the authorized number of words. On the other hand, care must be taken to see that applicants are not imposed upon by the copyists spreading their writing over a larger number of sheets than is necessary. By insisting on the number of lines in each sheet being uniform, control may easily be exercised in this matter, the number of words in a few of the lines in each folio being checked. The business of a copyist is (like most other occupations) one calling for skill, and greatly dependent for its successful practice on experience: copyists, therefore, must possess or acquire skill in their business, or they ought not to be retained.

(*g*) When an applicant requires his copies to be furnished on the day of application, an extra fee of one rupee[1] shall be charged on all copies so furnished, to be levied from him by a Court-fee stamp, which should be affixed to the application for the copy and be entered in the Register for Court-fee Stamps. Care, however, is to be taken that other applicants for copies do not materially suffer by the arrangement. If the granting of other copies be much delayed by this rule, an extra

[1] This is a fee for credit to Government, and no part of it is payable to the copyists.

hand ought to be told off to furnish the copies urgently required.

(*h*) Under ordinary circumstances, the time for furnishing the copies required shall not be later than 1 P.M. of the fifth open day after the presentation of the application.

(*i*) In the case of authenticated copies, the Court-fee chargeable under the Court-fees Act should be levied by affixing the necessary stamp to the first folio of the copy.

(*j*) In the case of maps and plans, no general rule can be laid down. In each case a charge will have to be fixed with reference to the difficulty or intricacy of the work to be done. Half will be paid to the copyist, and half credited to Government on account of examination fees and cost of materials.

### COURT-HOUSES.

**42.** [*Applications for Construction and Repairs—C. O. No. 6 of 24th April 1876.*]—All applications for the construction of new Court-houses, or for the repair of existing buildings, should be submitted direct to the Government of Bengal, and not to or through the High Court.

### DIARY—CONDUCT OF COURT BUSINESS.

**43.** [*Diary to be kept by all Civil Courts—C. O. No. 2 of 14th February 1870.*]—(*a*) In every Civil Court[1] subordinate to the High Court at Fort William in Bengal, there shall be kept a book to be called "the Diary of the Court of at " (in the vernacular languages the term *Roznamcha* may be used). These books will be supplied to each Court from the Stationery Office, with the pages numbered in

[1] Includes Small Cause Courts.—(*C. M. No. 6 of 25th September 1871*)

type and substantially bound, and no book is to be used for the purpose except those so supplied.

(*b*) In this book shall be recorded the whole of the proceedings of the Court to which it belongs on each successive day of sitting, including every matter which may come before the Court, and every order made, whether final or otherwise: the record shall be in the handwriting either of the presiding Judge or of the principal ministerial officer in attendance.[1] It shall be legibly and neatly kept.

(*c*) The record of each day shall commence with the name and official designation of the presiding Judge, and with a statement of the hour at which the sitting began, and shall terminate with a statement of the hour at which the Court rose for the day.

(*d*) The entry of every order affecting any party before the Court shall be signed in the space left for that purpose in the margin of the book, by the party or parties, or by their Pleader or Pleaders: and the entries for the day shall be signed at the end thereof by the Judge on each day before he leaves the Court.

(*e*) It shall be the duty of the District Judge or Judicial Commissioner, at every inspection of a subordinate Court, to satisfy himself and report to the High Court whether the diaries have been kept in precise conformity with these rules; or, if they have not been so kept, he must take proper order in the matter and report the circumstance for the information of the High Court. The fact of such inspection by the Zillah Judge should be noted in the book under his signature with a statement of the condition in which he found it.

(*f*) The diary should be kept in the custody of the

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[1] This is not the Sarrishtadar, whose employment on the Bench is expressly forbidden by C. O. No 27 of 4th October 1871.

Sarrishtadar of each Court, or of such officer as the Court may specially appoint for that purpose, and should not be transmitted to the sudder station of the Zillah Judge for inspection.

(*g*) Every Judge, Subordinate Judge, or Munsif, should take care to furnish himself, from the Stationery Office, with a new book at least one month before the book in use is completely filled.

(*h*) As the subordinate Courts have now by law complete control over their own establishments, and as the recent increase in salaries enables them to obtain the services of competent officers, the High Court will expect these rules to be observed without failure.

(*i*) [*Hours of business—C. O. No. 11 of 31st May 1873.*]—The latest hour at which Judges of all classes should be *on the Bench* is 11 o'clock A.M., except in the case of Districts in which and at seasons when it is usual to hold early morning sittings.

(*j*) [*Petitions when to be taken, and where—C. O. No. 4 of 10th February 1877.*]—Petitions should always be taken in open Court and usually at the commencement of the sitting of the Court daily.

(*k*) [*Trials not to proceed on Sundays and Holidays—C. O. No. 5 of 10th January 1880.*]—Without the consent of parties, and in the absence of urgent necessity, no Civil trial should proceed on Sundays or gazetted holidays.

### HIGH COURT—COMMUNICATION WITH.

**44.** [*Vernacular papers not to be forwarded to the High Court—C. O. No. 13 of 10th May 1864.*]—(*a*) A covering letter forwarding any Vernacular paper (*e. g.*, Judicial Proceeding, Report of a subordinate Ministerial

Officer, and such like) should never be addressed to the Court.

(*b*) The transmission of Vernacular papers should be discontinued as much as possible.

(*c*) No Vernacular paper should be addressed to the Court unless it refers to some Judicial Proceeding before the Court, or is a copy of some proceeding forming part of some Judicial record. In such a case the Vernacular paper should be sent with a short Memorandum written on the face of it.

(*d*) Reports of Subordinate Ministerial Officers are obviously intended only for the superior Officer to whom they may be addressed, and should never be transmitted to the Court either in original or by copy. If it be necessary to address the Court regarding the subject matter of any such report, the contents of that report should be embodied in an English letter.

## INSPECTIONS.

**45.** [*Instructions regarding the Periodical Inspection of Subordinate Courts—C. O. No. 15 of 14th May 1864.*]—(*a*) It is incumbent on every Civil Judge to visit annually, if possible, the Courts subordinate to him (including the Courts of those Officers who are located at the Sudder Station) for the purpose of satisfying himself that their proceedings are conducted strictly according to law and so as to ensure order, regularity, and attention to the rules prescribed for their guidance. While, however, the necessity and importance of a personal inspection of the subordinate Courts by the District Judges is enjoined, the time and occasion of such inspection is left to the Judges themselves, who should use their own discretion in making their inspectional visits

when, having regard to their other duties and the state of their files, they think it most fit and convenient.

(*b*) Every inspection of a Munsif's Court, when completed, is to be reported to the High Court. The report should comprise the particular subjects mentioned in the margin, and should contain the result of the Judge's observations on the Munsif's mode of doing business in respect of ability, temper, vigour, discretion, and punctuality; the state of his office, including "accounts," and the absence or frequency, as the case may be, of complaints. The Judge, however, should remember that while his mission is, on the one hand, to observe and correct errors, he is also to encourage, assist, and advise; he should clearly and courteously explain all difficulties occasioned by inexperience, change of system, or possible ignorance of the English language, and should invite the freest communication on all topics of mutual concern.[1]

1. General conduct of judicial business. (*See* below.)
2. Prompt registration and disposal of plaints.
3. How daily Register of judicial proceedings is kept up.
4 Manner of recording evidence.

(*c*) When reporting on the mode in which the subordinate Courts perform their duties after a personal inspection, the Judges should note particularly the degree of attention which is shown by them to the provisions of Act X of 1877, especially to the rules regarding the drawing up of the plaint and the written statement of the parties before the Court, the examination of the parties to the suit, the settlement of the issues, and the examination of the witnesses. The Judge should, moreover, remark particularly on the degree of ability exhibited by the Judge in examining parties before him, and in checking the putting of irrelevant

[1] Clause (*b*) has been substituted for the original wording of the instructions by C. O. No. 9 of 29th May 1873.

questions by the Pleaders, in ascertaining and settling the issues in a suit, and generally in the conduct of a case before him.

(*d*) As some misapprehension has been found to exist in regard to the time to be spent upon these visits into the interior, some Judges having applied for tents while on tour, it seems necessary to explain that such a sacrifice of time upon the duty of inspectional visits, as the necessity for living under canvas would imply, is not contemplated. A few hours spent in a Munsif's cutchery, when the business of the Judge's Court allowes of this being done, will ordinarily suffice for the object in view; and for such purpose, the Judge might travel by dâk, drawing the travelling allowance authorized by the Government. In any special case, however, where the use of a tent is deemed indispensable, the Judge might procure the loan of the Magistrate's camp equipage, or apply to Government for the means of discharging the duty required of him.

(*e*) [*C. O. No. 16 of 30th March 1878.*]—Whenever a District Judge, on inspecting the office of a Subordinate Court, has occasion to comment on any irregularities, a copy of his remarks may be communicated to the officer concerned for his information and guidance, unless for any special reason the Judge considers that it should be withheld, in which case he will take the orders of the High Court on the subject.

## INTESTATE PROPERTY.

**46.** [*Expense of Conveying Intestate Property to the Sudder Station—C. O. No. 128 of 16th May 1851.*]—The Judge should pay the expense of conveying intestate property to the Sudder Station from his Permanent

Advance and charge the same in his Contingent Bill, subject to reimbursement from the eventual proceeds of the sale of the property, or, in cases where a claim to heirship is established, either by payment by the heir before the property is delivered to him, or by the sale of such portion of the property as may cover the expense.

## LIBRARIES.

**47.** [*Rules for the Custody of Books and the management of Libraries*]—(*a*) [*C. O. No. 20 of 26th July 1855, and No. 36 of 30th November 1878.*]—

(*a*) The Head Clerk of the English Office is to be appointed Librarian. He will be primarily responsible for the custody and preservation of the books composing the Office Library; but this will not relieve the Judge or other presiding authority from the general responsibility devolving on him as Head of the Office.

(*b*) Correct catalogues must be kept up of the books in the Library. It will be useful to insert a column in the catalogue showing the date of receipt of each book. The catalogues should be of English paper and strongly bound for permanent record.

(*c*) Each book must have a number labelled upon it corresponding to a number in the catalogue, and, as fresh additions are made to the Library, they should be labelled and numbered in like manner. Each book should also be marked on several leaves with the Office stamp.

(*d*) Whenever a book is required out of the Library by any Officer (other than the Judge or Magistrate) competent to require the same, the Librarian should send a receipt on a slip of paper, which the recipient will sign and return on getting the book. Such re-

ceipt is to be destroyed when the book is returned into the Office.

(*b*) [*C. O. No. 3 of 25th January 1856.*]—The preceding rules shall be applied, as far as possible, to the Courts of the Subordinate Judges and Munsifs. Catalogues must be kept by each Native Judge of the Regulations, Acts, Gazettes, &c., furnished by Government for the use of his Office; and on receiving charge of any judicial post, the relieving officer should satisfy himself that the Library of the Court to which he is appointed is complete and in good order, and the catalogue correct. Should any books be found wanting, or their condition materially damaged, he should report the fact without delay to the Judge to whom he is subordinate, or else he will be held answerable for the deficiency.

BENGAL SECRETARIAT LIBRARY

(*c*) [*C. O. No. 67 of 6th July 1855.*]—Reports, Gazettes, and other books supplied to Judicial or other Officers are not to be taken away by the incumbents on their promotion or transfer, but are to be transferred to their successors in office.

PUBLIC OFFICERS—MATTERS CONNECTED WITH.

48. (*a*) [*Complimentary Addresses prohibited—C. O. No. 148 of 29th September 1851.*]—The receipt by public officers of complimentary addresses from parties with whom they have been officially connected is objectionable, and should be discontinued.

(*b*) [*Public Officers not to Lend Money to persons in their jurisdiction—C. O. No. 69 of 25th October 1844.*]—The rule in section 2 of Regulation XXXVIII of 1793, prohibiting Public Officers from lending money to persons within their jurisdiction, is (with the sanction of Government) extended to all uncovenanted Judicial Officers.

(c) [*Imputation of prejudice on the ground of hospitality—C. O. No. 7 of 7th April 1877.*]—Judges of all grades should avoid, as far as possible, becoming the guests of those who are interested in cases, civil or criminal, which will eventually come before them for decision. All possible imputation of prejudice against the weaker party will thus be avoided.

## RECORDS.

**49.** [*Rules for the Arrangement, Preservation, and Custody of Records in Regular Suits and Miscellaneous Cases—C. O. No. 13 of 18th July 1877.*]—The following rules for the preparation and arrangement of records in suits and miscellaneous cases are to be strictly adhered to by all Judicial Officers other than Judges of Courts of Small Causes[1] :—

The object of these rules is two-fold:

*1st.*—To ensure the proper making up of the record, and the personal attention of Judicial Officers thereto: and

*2nd.*—To enable the Judges, as well of the courts of first instance as of the superior courts, to see at once the progress of every suit or miscellaneous case from its institution to its close.

### *Rules.*

(1) In all original suits, as the trial proceeds, the Judge before whom it takes place, whether the trial be *ex parte* or not, shall gradually form a record, to be called the "Trial Nuthee," which shall be constituted of the undermentioned papers and documents put up in order as hereinafter shown, and of those only:

[1] G. L. No. 16 of 18th September 1877.

(*a*) The plaint, together with any schedule which may be annexed thereto, and where the claim is founded on a written instrument, such instrument. In miscellaneous cases, the petition or written application of the party setting the court in motion will take the place of the plaint.

(*b*)[1] All Vakalutnamahs filed in the case.

(*c*) The written statements of the parties, if any; or, in miscellaneous cases, the counter-petition, if any.

(*d*) The answers to any preliminary questions put under sections 118, 147, and 148 of the Civil Procedure Code, and any documents called for under the provisions of the last-mentioned section.

(*e*) Memorandum of the issues, if any, agreed upon between the parties, or settled by the Court, with amended or additional issues, if any.

(*f*) References to arbitration, if any, with the application and vakalutnamah and the award or other final return of the arbitrators, together with the proceedings, depositions, and exhibits submitted therewith.

(*g*) Injunctions or attachment orders obtained before judgment with the returns of the Nazir, and all petitions relating to the same.

(*h*) The depositions of the witnesses taken down in open court during the trial, placed usually in the order in which the witnesses were examined.

(*i*) The depositions of witnesses, if any, taken on commission before the trial, distinguishing those which may have been *read out in open court* during the trial (section 390, Civil Procedure Code), and the returns of Ameens, if any, with maps and evidence

[1] Added by C. O. No. 1 of 1st February 1878.

appended thereto, in both cases with the commission or perwannah annexed.

(*j*) The documents or exhibits received in open Court during the trial as evidence between the parties, each marked with a distinct number[1] and date which must be put and signed by the Judge thereupon trying the case at the time when they are received.

(*k*) Razinamahs or solehnamahs, if any.

(*l*) The judgment.

(*m*) The formal decree.

(*n*) An "Order Sheet" or *Rooidad.*

This paper is to contain a note of every hearing, as well as every order made in the suit or case from the commencement to the close.

The practice of writing orders on petitions, perwannahs, or ameens' reports, and such like papers, is strictly prohibited; orders shall be written on the Order Sheet only, excepting judgments or other orders referred to above, in heads (*l*) and (*m*). On every petition, return or report, requiring an order to be made upon it, there shall be entered at the head thereof a note of the date of the order made and no more; the order and the reasons for making it, when any require to be recorded, must appear only in the Order Sheet.

The preliminary examinations referred to under heading (*d*) may, if the Court thinks fit, be entered on the back of the written statement of the party, but nothing else shall be written on the plaint or written statement except the Register number of the suit, the date of filing and a reference to the Order Sheet. If the person to be examined is present in Court, an order for examination is unnecessary; but the fact of such examination shall be noted in the Order Sheet. The issues, as already provided above, in heading (*e*) are to be written on a separate sheet; a note of the recording thereof must be made in the Order Sheet opposite the proper date. Additional or amended issues are to be noted in the same way.

The final order (headings *l* and *m*) is not be written *in extenso* in the Order Sheet, but the making of it is to be similarly noted.

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[1] When a number of documents of the same nature is filed,—as, for instance, a series of Collector's or zemindars' receipts for revenue or rent, the whole may bear one number, a letter being added to distinguish each paper of the series.

On the case being called on for trial, if there are any witnesses in attendance, a note of the fact shall be entered in the Order Sheet, and as the witnesses are called, their names shall be shown there.

If evidence taken under a commission is read, this fact with the name of each witness shall also be noted.

A similar note shall be made when the return of an Ameen is read.

There shall likewise be a note of all documentary evidence used at the trial, giving the numbers of the documents used by each party. There shall be one series of numbers for the whole; those of the party who has the right to begin commencing from No 1, and those of the other parties following in regular order

The date on which the formal decree is signed by the Judge shall also be noted.

The same course shall be adopted if there is any subsequent application for review of judgment or for amendment of the decree.

The Order Sheet should be ordinarily in the handwriting of the Judge himself. It shall be kept in charge of the same officer who has custody of the Trial Nuthee, and at the conclusion of the trial shall be permanently attached thereto.

Orders of the kind frequently made, such as *misl shamil* and the like, should never, or very rarely, occur.

Applications shall always be heard at the first sitting of the Court, and ordinarily they ought not to be heard at any other time; though in cases of urgency the Courts will, of course, exercise their discretion in allowing deviations from this rule. Pleaders having applications to make in respect of pending suits must give notice to the opposite party when he has appeared, and should likewise give notice to the proper officer that he may have the record at hand.

Appellate Courts will be guided by the spirit of these rules in making up the appeal records.

The Order Sheet must have columns ruled off to the right and left—one for the date and the other for the signature of the presiding officer.

(2) For the purpose of forming the Trial Nuthee, *every* document which is tendered and received in evidence, and which the Court has the power to retain, and also copies of material parts of those documents (to be made by the parties) which the Court has not the power to retain, must be put upon the Trial Record.

(3) Every document which is tendered and not received, as also every document which, after having been lodged in Court, has not been used at the trial, must, after being duly marked, be returned to the party or person to whom it belongs, and *must not in any case be retained by the Court.* The former must be distinctly marked as "rejected;" the latter as "returned," the date being also added.

(4) If a document which is in any way used in evidence already forms part of another record from which it cannot properly be withdrawn, or if it is an entry in any shop-book, &c., which cannot reasonably be detained away from its proper place, it should not be permanently attached to the Trial Nuthee, but after having been proved, when proof is requisite, and inspected by the Court and the parties, it must be marked and restored to its place (if it has been removed), and an authenticated copy of it must be put upon the Trial Nuthee instead, bearing an endorsement indicating the place of custody of the original.

(5) Whenever a Judge, in the exercise of the power conferred upon him by section 137 of the Code, sends for the record of another suit or case or other official papers, and uses any part of such record or papers as evidence in a trial before him, he shall direct that an authenticated copy of the part so used shall be put up with the Trial Nuthee, and shall further direct at the expense of which party such copy shall be made.

(6) If any exhibit is of such a nature that it cannot be attached to the record, and that a copy will not answer the purpose for which it is tendered in evidence, a separate paper, duly numbered or marked, must be placed in the Trial Nuthee, describing as briefly as may be the nature of the exhibit, and the custody in which

it is deposited, the exhibit itself, when practicable, being marked to correspond.

(7) Prefixed to each record there shall be a Fly-leaf or Index of its contents: this must be prepared as soon as the trial is terminated. In this general Index the exhibits contained in the record will only be mentioned by number, but there must be a Supplementary Index showing separately for each party to the suit the documents used by them. The entries in these subordinate indices shall specify the nature of each document with its date.

NOTE.—It is not necessary that a detailed list of the Exhibits admitted in evidence in a case should form part of the General Index of the contents of the Trial Nuthee. It is sufficient to state in the General Index the number of Exhibits used by each party, the necessary detail being given in the supplementary lists of Exhibits, which should also have a column to show the distinguishing mark put upon each by the Court.—(*C. O. No. 24 of 14th June 1879.*)

(8) Whenever documents used in evidence are withdrawn either before or after judgment, a note of the number of the document withdrawn shall be made in the Index, which shall state whether a copy has been substituted or not.

(9) Papers other than those hereinbefore specified shall be kept apart, when they ought to be kept at all, and form the Process Record.

NOTE.—A separate fly-leaf should be prepared for the Process Record in which the papers should be grouped as much as possible; all processes to plaintiffs' witnesses and all processes to the witnesses of each defendant or group of defendants being entered consecutively. Petitions and other papers should be similarly shown. If there are any papers which cannot be distributed among the several parties, they will form a separate group by themselves.—(*C. O. No. 24 of 14th June 1879.*)

(10) In proceedings after decree for the execution thereof, the Trial Nuthee shall be constituted of the undermentioned papers and documents:

(*o*) The decree-holder's application under section 230 of Act X of 1877 [Section 212, Act VIII of 1859.]

(*p*) Applications for substitution in place of decree-holder under section 232 of Act X of 1877 [section 208, Act VIII of 1859].

(*q*) Applications to execute against the estate of a deceased debtor under section 231 of Act X of 1877 [section 210, Act VIII of 1859].

(*r*) Notices issued under section 248 of Act X of 1877 [section 216, Act VIII of 1859].

(*s*) Applications by the defendant objecting to the execution proceeding.

(*t*) Writs of attachment or possession, and returns of service.

(*u*) Proclamations of sale and returns of service.

(*v*) Proceedings of the Court holding a sale.

(*w*) Applications by the decree-holder granting time to the debtor.

(*x*) Statements of accounts.

(*y*) Receipts and acknowledgments of satisfaction in whole or in part.

(*z*) Vakalutnamahs.

(*aa*) The final order.[1]

Proceedings under sections 278 and 331, like other proceedings commonly known as Miscellaneous Cases, require no special orders, as they are sufficiently provided for by the foregoing rules, which are to be applied *mutatis mutandis*.

**50.** [*Rules for the Destruction of Records and other Papers—C. O. No. 14 of 19th July 1877 and No. 6 of 20th February 1878.*]—The following rules are laid down for the guidance of the subordinate Civil Courts in the destruction of useless records and papers.

(1) None of the papers in the Trial Nuthee shall be

[1] The headings (*o*—*aa*) were added by C. O. No. 5 of 20th February 1878.

destroyed until the periods mentioned below shall have expired. At the end of that time the following papers shall be separated and preserved, and the remainder shall be destroyed.

*Papers to be preserved.*

The general Index of the Trial Record. { *N.B.*—The letters attached to these are the letters given them in the preceding Rule 49.

(*a*) The plaint with the papers annexed.

(*c*) The written statements in suits for immovable property.

(*f*) Award of arbitrators.

(*g*) Orders for attachment before decree with the return showing when and how attachment was effected, and orders for discharging the attachment.

The other papers mentioned under this head shall be destroyed.

(*j*) Documents.

(*k*) Razinamahs, &c.

(*l*) The judgment.

(*m*) The decree.

Documents (*j*) produced by the parties or their witnesses, [excepting those attached to the plaint, and on which it is based] shall be removed from the Trial Nuthee to be separately dealt with.

(*n*) Order Sheet.

In execution of decree cases—

(*o*) The decree-holder's application.

(*t*) Writs of attachment or possession and returns of service.

(*v*) Proceedings of the court holding a sale of immovable property.

(*y*) Receipts, &c.

(*z*) Vakalutnamahs by which a decree-holder authorizes a Pleader to receive money from the Court.

(*aa*) The Final Order.

(2) The periods for which the Trial Nuthee shall be preserved entire shall be as follows:—

| | |
|---|---|
| (*a*) In suits for money or damages, or for the specific performance of contracts relating to movable property, or for the recovery of movable property . . . | *Three years.* |

(*b*) In suits for or affecting immovable property, or in respect of succession to an office, or to establish or set aside an adoption, or otherwise determine the status of an individual; and in suits or proceedings under the Indian Succession Act (X of) 1865, and the Hindu Wills Act (XXI of) 1870, *Twelve years.*

(*c*) In proceedings under Regulation XVII of 1806, for foreclosure of mortgage by way of conditional sale . . . . . *Fifteen years.*

(*d*) In cases under Act XXVII of 1860, Act XIX of 1841, Acts XXXV and XL of 1858 . . . . . *Twelve years.*

Provided that all accounts filed in Court under any of these Acts shall form part of the permanent record.

(*e*) In proceedings taken in execution of decrees, including proceedings under sections 278, 332, and 335 of Act X of 1877 [sections 246 and 269 of Act VIII of 1859[1] . . *Three years.*

[1] Proceedings under section 331 of Act X of 1877 or sections 229 and 230 of Act VIII of 1859 are regular suits: the records of them must be dealt with accordingly.

(*f*) In cases relating to movable property of deceased persons under section 7 of Regulation V of 1799]. . . . . *Three years.*

(*g*) All other miscellaneous cases . . *Three years.*

(3) The periods prescribed above shall be taken to run from the date of the final order or decree of the

Court of first instance, or, in case of an appeal, from that of the decision of the appeal.

(4) In foreclosure proceedings under Regulation XVII of 1806, the final order shall be deemed to be made on the expiry of the year of grace.

(5) In cases under Acts XXXV and XL of 1858, the final order shall be taken to be made on the termination of the guardianship in consequence of the recovery or death of the lunatic, or on the attaining of majority or death of the minor.

(6) The final order in execution of a decree, is to be taken as made when the decree is satisfied in full, or in executions not proceeded with, when three years have elapsed since the last application.

*Note.*—The word 'application' must be here read in connection with clause 4, Article 179, Schedule II, Act XV of 1877.—(*C. O. No. 6 of 20th February 1878.*)

(7) In cases under section 7 of Regulation V of 1799, the date of the receipt of the orders of Government for disposing of the property is to be taken to be the final order.

(8) The Process Records shall be entirely destroyed on the expiry of one year from the final order in the suits or cases to which they belong, the year being reckoned as provided above.[1]

Periodical statements received from the Lower Courts and from Civil Court Amens.

Proceedings of other Courts and Offices forwarding notices, proclamations, &c.

(9) In respect of the papers noted on the margin, District Judges must exercise their discretion in preserving reports, returns, and proceedings likely to be useful in the future, as containing the results of

[1] Cases decided *ex parte* shall be excluded from this rule. In such cases, the Process Nuthee shall be preserved until such time as the decree shall have been wholly satisfied out of Court, or until execution shall have been had against the defendant.—(*C. O. No. 1 of 1st February 1878.*)

Proceedings of the Lower Courts calling for records asking for information, &c.

Reports from ministerial Officers not relating to particular suits or cases.

Applications for leave, or from candidates for employment, and any other proceedings, reports, and applications not relating to suits or cases in the Courts, shall be destroyed at the expiry of one year.

enquiries or other information, or the opinions of experienced officers on matters connected with the general administration of justice.

(10) If any records of cases under Regulation VII of 1799, Regulation V of 1812, or Regulation XLIX of 1793, or of cases tried by Pundits, Sudder Ameens, or other native officials before the passing of Regulation V of 1831, still exist, they may be at once destroyed.

(11) The records of the Provincial Courts, except the final judgments or decrees and title-deeds, may also be at once destroyed.

(12) The destruction of all records of the Civil Courts hereby directed shall be carried into effect by burning. The practice of selling them as waste paper, which the Court understands to prevail in some districts, is prohibited. Judges must adopt such precautions as will satisfy them that the papers set aside for destruction are not otherwise dealt with.

(13) The record-keeper shall, when putting papers aside for destruction, destroy all Court-fee stamps affixed to them, by tearing them across the stamps.

(14) The papers reserved for permanent record shall be marked on the General Index of each Trial Record.

(15) When documents produced by the parties or their witnesses are removed from the Trial Records as above provided for, they shall be tied up in parcels with the detailed Index Sheets of documents required by Rule 51 and a number shall be attached to each parcel, which shall be noted on the General Index sheet of the

record in order to facilitate the finding of these documents if subsequently claimed.

(16) Notice shall, whenever practicable, be given to the person or persons on whose behalf they were brought into Court, requiring him or them to take them back into his or their own keeping within six months from the date of the notice; and copies of the notice shall be put up in the Courts of the District Judge and Subordinate Judge (or Judges), and in the Court in which the suit was tried; or if such Court have been abolished, in such other Court or Courts as may be exercising jurisdiction in lieu thereof.

(17) When returning documents, Judges must take care that deeds, the further use of which is superseded by the terms of the decree in the suit in which they were relied on, or which the Court has directed to be retained for purposes of public justice, and such documents as are required by law to be retained or filed in Court (*e. g.*, Wills, see section 259 of Act X of 1865), are not delivered out of the custody of the Court.

(18) District Judges must make the best arrangements for the custody of the documents removed from the Trial Records that circumstances admit of; the notices must distinctly warn the owners that they will be kept at their risk, and that the Court declines all responsibility for them.

(19) To every copy of a decree given to the parties to a suit, a printed notice, which will be supplied from the Stationery Office, shall be attached, calling upon the parties to the suit to withdraw their documentary evidence as soon as the decree shall have become final.

NOTE.—For orders as to the destruction of records in Small Cause Courts, see Rule 57, *post*

**51.** [*Court-fee Stamps to be mutilated— C. O. No.*

*15 of 16th September 1876.*]—Record-keepers are enjoined, at the moment of separating from the record any papers bearing Court-fee or other stamps, to mutilate the stamps in such a manner that it shall be impossible to use them again.

52. [*Rules for the periodical despatch of Records by Subordinate Judicial Officers to District Judges—C. Os. No. 49 of 20th September 1839, No. 76 of 17th January 1845, No. 16 of 30th July 1873, and No. 18 of 26th April 1880.*]—

(1) Records of decided cases shall be forwarded to the District Judge quarterly.

*Exceptions.*

1. Contested cases, the records of which must be forwarded *monthly*.

2. Suits exceeding Rs. 5,000 in amount, the record of which shall be retained by the Subordinate Judge for *six months* in order to enable him to execute any orders issued by the High Court.

(2) The District Judge shall prescribe the dates by which such records are to reach his office.

(3) The records shall be forwarded through the agency of the police as follows:—

(*a*) Each subordinate judicial officer shall forward the records by a specified date (to be fixed by the District Judge) to the nearest police station, for transmission to the District Judge.

(*b*) He shall take a receipt from the officer in charge of the police station for the time being.

(*c*) He shall provide the requisite means of carriage for the conveyance of the records, and indent on the District Judge for the expense incurred thereby.

(*d*) He shall send, with the records, a "challán"

under his signature, showing the date of transmission to the police station and the number of records forwarded, in order that it may appear whether there has been any delay on the part of the police in forwarding the records to the District Judge.

(4) [*C. O. No. 7 of 4th March 1874.*]—A *Fehrist*, or List of cases, in the following form, shall also accompany the records. These statements, on printed forms, are to be always uniform in size and shape, in order that they may be bound up so as to constitute a Register of decided cases, useful for the purpose of tracing and identifying records.

| No. from list. | No. from Court's Register. | Description of case. | Date of decision. | Numbered paper or papers contained in the *Nathi*. | REMARKS. |
|---|---|---|---|---|---|
| 1<br>2<br>&c. | 10 of 1873<br>67 of 1872 | Regular Rent Suit.<br>Miscellaneous. | 4th October 1873<br>5th January 1873 | 121<br>97 | |

(5) Where single files are called for, either by the Lower Courts from the Judge's record-room, or by the Judge from the Lower Courts, the party at whose instance the call is made shall be required to pay the postal charged as prescribed in Rule 51, *post*.

**53.** [*Records when allowed out of the custody of the Officers of the Court.*]—(*a*) [*C. O. No. 15 of 16th December 1875.*]—All records of cases should be retained in the record-rooms of the Courts to which they pertain, or of the superior Court of the district, and not allowed to pass out of the custody of the officers of such Courts, except when called for by superior judicial authority, or required for the purposes of section 137 of Act X of 1877, by a Civil Court not at the same station. It is improper and inconvenient that records of the Courts of Justice should be sent to other public officers or func-

tionaries. If a reference to their contents is required, the proper procedure is ordinarily to obtain copies of the requisite papers.

*N. B.*—Civil Judges of every grade should exercise careful discretion in acting under the provisions of section 137 of the Code of Civil Procedure Act X of 1877.

(*b*) [*C. O. No. 20, dated the 30th April 1879.*]—When in the course of proceedings in a Criminal Court it becomes necessary to refer to the contents of records deposited in another Court, the ordinary procedure is to require copies of the necessary papers to be filed. It frequently happens, however, that in the course of a criminal trial the production of an original record becomes necessary. In such cases the Court where the record is deposited shall comply with the requisition of the Criminal Court requiring its production. Judges or Magistrates making such requisitions are, however, required to state therein that the production of the original is necessary and the reason of the necessity. If the Court receiving the requisition is of opinion that the reason given for requiring the production of an original record instead of a copy is insufficient, it should nevertheless comply with it, reporting the matter for the consideration of the High Court.

**54.** [*Instructions as to the distribution, between Government and parties to suits, of the postage charge incurred in the course of Judicial proceedings—C. O. No. 10 of 28th March 1872 and No. 23 of 3rd June 1880.*]—(*a*) When a record is called for by a Civil Court at the instance of a party, the cost of postage should be borne by such party, both for the transmission of the record and for its retransmission, and this more especially in execution cases. And when a Court calls for records of its own motion, and sees fit in its discretion to make the postage,

which is in the first instance paid by the State, a part of the costs payable by the losing or other party, such postage should include the cost of re-transmission of the records. Such records do not in the first-mentioned case stand in the position of the records alluded to in the letter from the Government of India in the Financial Department, No. 3118, dated 21st November 1870, ruling that "the charge for transmitting records through the post from one Court to another should be borne by the State."

(*b*) When copies of notifications of sales, &c., are sent by Courts in the interior for the purpose of being affixed in the office of the Collector and in the Court of the Judge, and when the replies thereto are sent by the general post, the postage should be paid by the party applying for sale and should be chargeable as costs of execution.

(*c*) In like manner when Civil Courts in the interior of the district, upon applications of decree-holders, ask for attachment of the judgment-debtors' interests in decrees or documents deposited in other Courts, the postage for the despatch of the requisition and for the return of the reply should be borne by the party applying.

(*d*) As regards notices to respondents in appeal cases, the postage should be paid by Government; one uniform rate of *talabáná* fee being contemplated for all cases, and the transmission by post for part of the distance being an economy to the Government.

(*e*) When Courts in the interior make requisitions upon the District Court at the Sudder Station for the payment of money in deposit to decree-holders or other persons, the postage for such requisitions should be paid by the parties on whose behalf they are made.

(*f*) The practice of sending to Munsifs records of execution cases by chance "peons and coolies" is an

insecure and unsatisfactory plan, as no one can effectually be held responsible in case of important documents being lost under such circumstances. The public post is the proper and regular mode of transmission, and ought to be resorted to on all such occasions.

(g) [*Postage of Records to the High Court—C. O. No. 33 of 23rd November 1870.*]—All records of cases sent up to the High Court may be transmitted by parcel post instead of by letter post, *prepayment* of the requisite postage being made in every instance in the manner prescribed by the Post Office Rules.

SEALS.

**55.** [*Small Seals how to be used—C. O. No. 8 of 12th May 1876.*]—The smaller and simpler seals supplied to District Judges are for use on minor occasions. They are not to be used for sealing judgments, writs, processes, or other documents made or issued judicially. For such purpose the regular Seal of the Court should alone be employed under the superintendence of a responsible officer; but for all other purposes the smaller seals should be used.

SMALL CAUSE COURTS.

**56.** [*Applications for Copies, how to be dealt with—C. O. No. 22 of 18th July 1871.*]—All Judges of Courts of Small Causes subject to the control of the High Court are to carry out in their Courts the provisions of Rule 37, Chapter V (copies) as far as they may be applicable.

**57.** [*Destruction of S. C. C. Records—C. O. No. 40 of 2nd October 1866.*]—Records of all cases disposed of in the Courts of Small Causes, in which execution has been completely obtained, or in which three years

have passed since the last attempt to execute was made, and when any further execution would be barred by the law of limitation, should be destroyed once a year. The Summons Book and Register[1] will afford all information that can afterwards be required.

**58.** [*Service in the Mofussil of Process of the Calcutta Small Cause Court—C. O. No. 21 of 23rd August 1870 and C. O. No. 31 of 19th September 1878.*]—Strict attention must be paid to the provisions of the law with respect to the service of the processes forwarded by the Calcutta Court of Small Causes under sections 29 and 30 of Act IX of 1850. The Judges of the Small Cause Court should mention specifically any Court from which returns of service of processes are habitually or frequently made in an imperfect condition, in order that steps may be taken to prevent a repetition of such irregularity.

**59.** [*Application of Circular Orders and other Rules to Small Cause Courts*]—(*a*) [*C. O. No. 11 of 18th June 1873.*]—Circular orders which are addressed to "all Civil Courts" are intended to apply also to Courts of Small Causes.

(*b*) [*C. O. No. 38 of 23rd November 1880.*]—District Judges shall, in dealing with the budget estimates, contingent bills, &c., of Small Cause Courts, be guided by the general rules applicable in the case of the other subordinate Civil Courts.

### SUBORDINATE JUDICIAL SERVICE.

**60.** [*Candidates for the Subordinate Judicial Service—G. L. No. 1 of 27th August 1875.*]—The formal enrolment of the name of any Pleader imme-

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[1] *Vide* clause (c) of Rule 5 of Chapter IV, pages 220, 221.

diately on qualification as a B. L. or Pleader of the higher grade, gives, of itself, no claim whatever to be selected to fill an appointment in the Subordinate Judicial Service, even though a letter intimating that his name has been registered, or the like, may have been received.

**61.** [*Forms of address in official correspondence.*]—(*a*) [*Subordinate Judges—C. O. No. 9 of 6th July 1838.*]—The following forms of address should be observed by all public functionaries having occasion to correspond with the Native Judges:—

SUBORDINATE JUDGES.

| | *Form of Address.* | *Title.* |
|---|---|---|
| Christian . . | Sir . . | Esquire. |
| Mahomedan . . | ایضا | خان بهادر سموالمرتب معالی سلمه‌الله تعالی |
| Hindoo . . | | راي بهادر |

(*b*) [*Munsifs—C. O. No. 11 of 10th September 1875.*]—Munsifs should be addressed in official correspondence as "Rai Bahadur" if Hindoos, and "Khan Bahadur" if Mahomedans.

*N. B.*—The above titles are in no way personal, and will cease to be held when office is vacated.

(*c*) [*C. M. No. 3 of 13th February 1874.*]—Where more than one Munsif is appointed to a chowkey, they should be designated, not "additional Munsifs" but "1st Munsif," "2nd Munsiff," and so on, according to seniority.

**62.** [*What offices Munsifs may hold—G. L. No. 2 of 29th January 1877.*]—(*a*) As a general rule, Munsifs ought not to be Municipal Commissioners, as the acts of Municipalities are frequently called in question, and might come before the Munsifs judicially. An exception, however, might be made in those cases where there

are two or more Munsifs at one station, in which case one of them might be a Municipal Commissioner.

(*b*) The appointment of a Munsif to be a Member of a Road Cess Committee should only be made when it is certain that the Munsif will have leisure to undertake the duties.

**63.** [*Vacation and Privilege Leave.*]—(*a*) [*C. O. No. 25 of 17th August 1864.*]—In submitting any application from a Subordinate Judicial Officer for vacation leave, the Judge should distinctly certify that it can be granted without injury to the public service or additional expense to the State; and where an officer has failed to rejoin his appointment in time to sit on the very day the courts re-open after the Dusserah, he should be reported to the Accountant General as absent without leave, and his absence brought to the notice of the High Court.

(*b*) [*C. O. No. 33 of 1st November 1878.*]—District Judges should submit applications for vacation leave to the Court direct, and not through the Accountant General.

(*c*) Applications for privilege leave, which is admissible to Uncovenanted Judicial Officers only in case of urgent necessity, should be submitted to the Court through the Accountant General, and the officers making such applications should be required to note in them what vacation leave, if any, they may have had during the previous three years.

(*d*) Vacation leave cannot be granted otherwise than under these instructions.

**64.** [*Transfer of Charge—C. O. No. 6 of 6th February 1879.*]—District Judges should invariably report to the High Court when any formal transfer of charge takes place in any Court in their district.

**65.** [*Applications for Promotion and Transfer.*]—

(*a*) [*C. O. No. 73 of 6th March 1840 and C. O. No. 8 of 26th July 1869.*]—No application from any Judicial Officer subordinate to a District Judge, for promotion or for transfer to another district, will receive attention unless sent through the Judge of the district.

(*b*) [*C. O. No. 27 of 23rd July 1880.*]—No member of the Subordinate Judicial Service who has made a request to be transferred to another appointment shall be entitled to travelling allowance upon any transfer made in pursuance of such request, whether such transfer be to the district mentioned in such request or to any other district.

**66.** [*Representations of personal services—C. O. No. 6 of 6th April 1865.*]—Public Officers are prohibited from forwarding to Government representations from their subordinates relating to the personal services of the latter, the public post being the most natural and proper means through which persons desirous of bringing their claims prominently to notice may carry their wishes into effect.

**67.** [*Punkah-pullers—C. M. No. 42 of 2nd October 1866.*]—Munsifs are entitled equally with Deputy Magistrates and Deputy Collectors to the indulgence of punkahs and punkah-pullers in the hot season.

**68.** [*Applications for Pension and Gratuity—C. M. No. 33 of 25th November 1863.*]—As the submission of several applications for Pension and Gratuity with one statement of service and one covering letter is liable to cause confusion, and, in some instances, delay, separate statements and letters, drawn up in as concise a form as possible, should accompany each application.

# ALPHABETICAL INDEX

TO THE

# RULES AND ORDERS

OF THE

## HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL

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## (CIVIL.)

### A.


| | PAGE |
|---|---|
| ACCOUNT— | |
| Rules (Judicial) | 34—119 |
| Sale — *See* "SALE" | |
| What —s to be furnished under Act XL of 1858 | 210, 211 |
| ACCOUNTANT GENERAL— | |
| Applications for privilege leave to be submitted through the — | 321 |
| Appointment of acting Munsiff to be reported to the — | 277 |
| ACTS— | |
| XIX of 1841 | 128, 205—207, 310 |
| IX of 1850 | 319 |
| XII of 1856 | 273—275 |
| XXXV of 1858 | 128, 310 |
| XL " | 128, 207—211, 275, 310 |
| VIII of 1859 | 307, 308, 310 |
| XXVII of 1860 | 128, 212—214, 233, 242, 275, 276, 310 |
| IX of 1861 | 128 |
| XX of 1863 | 129 |
| X of 1865 | 128, 157, 214—216, 233, 310, 313 |
| XI " | 216—221, 318 319 |
| XX " | 283 |
| VIII (B. C) of 1869 | 11, 31, 32, 127, 222—224, 228, 229, 231, 236 |

PAGE.

ACTS—*concluded.*

VII of 1870. *See* "COURT-FEES."

X „ . . . . . 128

XXI „ . . . . . 128, 310

VI of 1871 . . . . . 32, 33, 277, 278

I of 1872 . . . . . 269

X „ . . . . . 128

X of 1873. *See* "OATHS."

IV of 1876 . . . . . 242

VII (B. C.) of 1876 . . . . . 8, 9, 128

III of 1877 . . . . . 262, 278, 279

X „ *See* "PROCEDURE CODE."

I of 1879 . . . . . 200, 201, 263, 279

IX (B. C.) of 1879 . . . . . 279, 280

XVIII „ . . . . . 128, 241—243, 280—284

ADDITIONAL—

Judge. *See* "JUDGE."

ADJOURNMENT—

Instructions regarding —s . . . . . 2, 3

Not warranted to allow Pleader to prepare arguments . . . 253, 254

Of sale . . . . . 28

„ the settling of the proclamation of sale . . . . . 10

ADMINISTRATION—

Annual — report. *See* "REPORTS."

Certificate of — under Act XL of 1858. *See* "ACTS" (XL of 1858).

Quarterly statement of grants of letters of — . . . . . 157

Table showing the number of letters of — issued in the year . . . 196

ADMISSION—

Of appeals. *See* "APPEALS."

ADULT—

Proof of service of process on — male member of a family . . . 246

Return of „ „ „ . . . 22

ADVICE—

Daily — lists of receipts and payments . . . . . 94, 97

ADVOCATES—

Restriction as to the practice of — of other High Courts . . . 280

When — may plead in English . . . . . 272

*See also* "MUKHTARS," "PLEADERS," "PRACTITIONERS," "VAKEELS."

AFFIDAVIT—

Every person making an — to be identified . . . . . 5

Fee for administering oath of declarant in an — . . . . . 3

PAGE.

AFFIDAVIT—*concluded.*

Form of oath to be used in —s . . . . . 6, 7
For proof of service of process . . . . . 4
Further — may be required in application for sale of any property . . 9
How a declarant in an — is to speak to facts . . . . . 5
„ to be entitled . . . . . 5
Instructions regarding the reception of —s . . . . . 254, 255
Made by process-servers . . . . . 4
„ public officers . . . . . 3
Quarterly return of oaths in —s . . . . . 204
Rules for officers administering oaths in —s . . . . . 4—7
Sherishtadar's appointed Commissioners to administer oaths in —s . . 7
To be divided into paragraphs . . . . . 5
„ „ read and explained to declarant . . . . . 6
„ prove service of process . . . . . 245—247
Verified — to accompany application for sale of any property . . 8

AFFIRMATIONS. *See* "OATHS."

AGENT—

Proof of service of process on an — . . . . . 245
Recognised — may present petition of appeal . . . . . 18
Return of service of process on an — or manager . . . . . 21
Revenue —. *See* "REVENUE."

AGRICULTURAL—

Produce. Sale of — where to be held . . . . . 12

AMEENS—

Annual report to mention how the rules for the employment of — have been observed . . . . . 122
Books to be kept and reports to be submitted by — . . . . 273—275
Daily register of receipts and payments on account of —' fees . 119, 120
Diary to be kept by — . . . . . 274
Employment of 'Ticca' — prohibited . . . . . 267
Instructions for the guidance of — in local enquiries . . . 267, 268
Number of — to be kept up in each district . . . . . 275
Petitions of objection to the reports of — . . . . . 265, 266
Register to be kept by — . . . . . 274
Table showing receipts and disbursements on account of — during the year . . . . . 197
Weekly returns of work to be submitted by — . . . . . 265, 274

ANNUAL—

Account particulars. *See* "ACCOUNT RULES."
Reports. Instructions regarding — . . . . . 121, 122
„ to show how the rules for the issue of commissions under Section 392, C. C. P., have been observed . . . . . 267
Return of renewed certificates of Pleaders and Mukhtars . . 280, 281
Statements. *See* "STATEMENTS."

PAGE.

APPEALS—

*From Appellate Decrees.*

Date of hearing of — . . . . . 19
Maps to be sent up pasted on cloth in all — . . . . . 271
Processes in — may be sent by Service Post . . . . . 271
Proof of service of notice of — . . . . . 249
Records of execution cases to be sent up complete in — . . . . 271
" to be sent up within seven days of receipt of notice in — . 270, 271

*From Original Decrees.*

Annual statement of — from decrees . . . . . 172, 173
Court-fee payable in — from certain orders under Section 244, C. C. P 258, 259
Date of hearing of — . . . . . 19
Delay in disposing of — . . . . . 133, 134
Form of notice to be served on respondent in — . . . . . 19
From orders under Section 588, C. C. P. . . . . 129
In miscellaneous judicial cases . . . . . 129
Miscellaneous — . Annual statement of — . . . . . 174, 175
" Classification of — . . . . . 129
" Monthly statement of — . . . . . 144, 145
" Quarterly " " — . . . . . 155
" Table showing number of — . . . . . 193
Monthly statement of — . . . . . 142, 143
Petition of — to be presented how and by whom . . . . . 18
Quarterly statement of — . . . . . 153, 154
Rules for the preparation, &c. of — . . . . . 18, 19
Table of — from decisions in regular suits . . . . . 188
" " preferred in the District Courts . . . . . 189
" showing average duration of — . . . . . 195
" " manner of disposal of each class of — . . . . . 191
" " number and value of each class of — . . . . . 190
" " " " " of suits and — of each class . . 192
" " " of miscellaneous — . . . . . 193

APPELLATE—

Business. Monthly statement of — . . . . . 143
Court. *See* "COURT."
Decree. *See* "DECREE."

APPLICATIONS—

Annual statement of — for execution of decrees . . . . . 176, 177
By decree-holder for the attachment of movable property . . . 261
" " " granting time to debtor . . . . . 308
" defendant objecting to execution proceeding . . . . . 308
" Vakeels and Mukhtars for renewed certificates . . . . . 281, 282
For attachment of land . . . . . 7
" certified copies of documents appertaining to a record . . . 290
" construction and repairs of Court-Houses . . . . . 294

PAGE.

APPLICATIONS—*concluded.*

For copies how to be dealt with by Mofussil S. C. Courts . . . . . 318
„ copies of letters and resolutions of the High Court . . . 290
„ copies of wills . . . . . 215, 216
„ pension and gratuity . . . . . 322
„ promotion and transfer . . . . . 321, 322
„ refund of process fees . . . . . 234
„ sale of immovable property . . . . . 8
„ transfer of decrees not to appear in Periodical Statements . . 125
„ unauthenticated copies and for information . . . . . 284—289
„ vacation and privilege leave . . . . . 321
Monthly statement of — for the execution of decrees, &c. . . 139, 140
Of paupers for sale . . . . . 10, 11
Quarterly statement of — for the execution of decrees, &c. . . 150, 151
Table showing number of — for execution of decrees . . . . 185
„ „ „ „ „ orders to set aside ex-parte judgments . 184
Under Act XIX of 1841 . . . . . 128
„ „ XXXV of 1858 . . . . . 128
„ „ XL „ . . . . . 128, 207, 208
„ „ VIII of 1859 . . . . . 308
„ XXVII of 1860 for certificates . . . . . 128, 212; 241, 242
„ „ IX of 1861 . . . . . 128
„ „ X of 1865 . . . . . 128
„ „ VIII (B.C.) of 1869, Section 46 . . . . . 127
„ „ „ „ Sections 75 and 78 . . . . . 127
„ „ XXI of 1870 . . . . . 128
„ „ IX (B.C.) of 1879, Section 10 . . . . . 279, 280
„ Procedure Code, Sections 22, 25, 99, 103, 108 . . . . 127
„ „ „ Section 230 . . . . . 261, 307
„ „ „ Sections 232, 234, 248 . . . . . 308
„ „ „ Section 332 . . . . . 128, 263
„ „ „ „ 335 . . . . . 263
„ „ „ „ 344 . . . . . 128, 173
„ „ „ „ 345 (*f*) . . . . . 234
„ „ „ „ 401 . . . . . 128
„ „ „ Sections 558, 560 . . . . . 127
„ „ „ Sections 592, 623 . . . . . 128
Verification of — . . . . . 1

APPOINTMENT—

Of acting Munsifs . . . . . 277
„ manager under Section 503, C. C. P. . . . . 270

AREA—

Of revenue-free tenure to be given in applications for attachment thereof 7

ARREARS—

Of rent. *See* "RENT."

PAGE.

ARREST—
Of Railway servants . . . . . 264

ARTICLES—
Sale of — of local manufacture where to be held . . . . . 12

ASSESSORS—
Annual statement showing the use of juries and — . . . . . 180

ATTACHMENT—
Of estates, and withdrawal thereof . . . . . 262
„ lands under Sections 237, 238, C. C. P. . . . . 7

ATTENDANCE—
Register of — of witnesses . . . . . 202, 203

ATTORNEY—
Restriction as to the practice of an — of another High Court . . . 280

AUCTION—
Sale by — in execution. *See* "SALE."

B.

BOAT-HIRE—
Fees for — . . . . . 232, 233

BOOK—
Field — in local enquiries . . . . . 268
General cash — . . . . . 82
Of searching-fees to be kept by Record-keeper . . . . . 288
Pass — . . . . . 93
Peremptory cash — . . . . . 81
Reports to be submitted and —s to be kept by Ameens . . . 273—275
Rules for the custody of —s in all libraries . . . . . 300, 301
Summons —, Small Cause Courts . . . . . 221, 319

C.

CANCELLATION—
Instructions regarding the — of Court-fee stamps . . . . 237—241

CANDIDATES—
For the Subordinate Judicial Service . . . . . 319, 320

CANTONMENT. *See* "MILITARY."

CASH—
Belonging to the estate of an intestate . . . . . 120
Cashier's receipt for peremptory — receipts . . . . . 80
General — book . . . . . 82
Peremptory — book . . . . . 81

CERTIFICATE—
Annual return of renewed —s of Pleaders and Mukhtars . . 280, 281
Applications for — under Act XL of 1858 . . . . . 128, 207, 208

PAGE.

ERTIFICATE —*concluded.*

Applications for — under Act XXVII of 1860 . . 128, 212, 241, 242
„ *See also* "APPLICATIONS."
Copy of decree and — under Section 223, C. C. P., how to be forwarded . 257
„ judgment in a — case when to be granted . . . . . 275
Forms of —s under Act XL of 1858 . . . . . 208—210
„ „ „ „ XXVII of 1860 . . . . . 212—214
Grant of a — „ „ XXVII of 1860 how to be treated . . . 275
Of copy of judicial record in Cooch Behar . . . . . 269, 270
„ refund of stamp-fees . . . . . 90
„ „ „ value . . . . . 235
„ sale of building in a Military Cantonment . . . . . 263
„ „ immovable property what to contain . . . . . 262
„ stamp-duty and penalty levied under Act I, 1879 . . . . 201
Persons holding —s under Act XL of 1858, Section 10, to furnish accounts 210
Stamps on —s to be punched before issue . . . . . 239
Table showing number of —s issued during the year . . . . 196
To be attached to quarterly statements by District Judge . . . 147
„ given by a Pleader on undertaking an appeal . . . . . 18, 19

CHALAN—

Form of — under the Account Rules . . . . . 76, 77
Registers of —s. *See* "REGISTERS."

CIRCUIT—

Of Judge of several Small Cause Courts . . . . . 216

CIVIL—

Procedure Code. *See* "PROCEDURE CODE."

CLAIM—

Against Government. *See* "GOVERNMENT."

CLERK—

Head — to be appointed Librarian . . . . . 300
„ of District Judge's Court to have charge of original wills . . 214
Of Mofussil Small Cause Court can sign requisitions to other Courts . 217

CODE—

Of Civil Procedure. *See* "PROCEDURE CODE."
„ Criminal Procedure. *See* "ACTS" (X of 1872).

COLLECTOR—

Applications under Act IX of 1879, Section 10, to be sent to — . 279, 280
Appointment of manager under Section 503, C. C. P., to be notified to — 270
Statement of stamp duty and penalties to be made to — . . . 200, 201
To examine stamps of which the genuineness is doubted . . . . 279
„ give written authority for the payment of money to Government Pleaders . . . . . 269

COMMISSIONER—

Fee for Special — deputed by the Judge . . . . . 4

PAGE.

COMMISSIONER—*concluded.*

For administering oaths in affidavits. *See* "AFFIDAVIT."

Munsifs ought not to be Municipal —s . . . . . 320

Travelling expenses of special — to be paid in cash . . . 4

*See also* "COMMISSIONS."

COMMISSIONS—

Cannot be made over for execution to another person . . . . . 18

Fees to be paid before the issue of — . . . . . 15

For examining non-resident witnesses to whom to issue . . . . . 16

For local investigations. Fee for — . . . . . 234

How to be executed . . . . . 17, 18

Instructions for the issue of — under Section 392, C. C. P. . . 264—267

Issued to Pleaders of the High Court . . . . . 15

Order for the issue of — what to state . . . . . 15

Quarterly statement of — issued under Sections 383, 386, C. C. P. . . 156

Rules for the issue of — . . . . . 14—18

To Calcutta to whom to be issued . . . . . 15

„ Oudh to whom to be addressed . . . . . 17

COMPANY—

Proof of service of process on a — . . . . . 247

Return of service of process on a — . . . . . 30

CONTINGENT—

Bills of Small Cause Courts. "*See* SMALL CAUSE COURTS."

CONTROL—

Over Subordinate Courts *See* "ACCOUNT RULES," "SMALL CAUSE COURTS."

COOCH BEHAR—

Decrees of the Civil Courts in — . . . . . 269, 270

COPIES—

Applications for certified — of documents in a record . . . . . 290

„ „ — how to be dealt with in Small Cause Courts . . 318

„ „ &c., of the letters, — of High Court . . . . . 290

„ „ unauthenticated — . . . . . 284—289

By whom to be examined . . . . . 292

Certified — of documents not to be entered in detailed daily register of Court-fees realised . . . . . 225

Extra-fee for emergent copies . . . . . 293

Fees and charges for authenticated and unauthenticated — . . 291—294

How stamps for — are to be dealt with . . . . . 239

Must be on prescribed stamped paper . . . . . 291, 292

Of decrees and certificates under Section 223, C. C. P., how to be forwarded . . . . . 257

„ decrees in pauper suits to be sent to the Government Pleader . . 268

„ District Judge's remarks on inspection . . . . . 299

PAGE.

COPIES—*concluded.*

Of judgment in certificate cases when to be granted . . . . . 275
„ judicial records how certified in Cooch Behar . . . . . 269, 270
„ maps and plans . . . . . 287, 294
„ orders for local enquiries under Section 392, C. C. P. . . . . 266
„ Sale-certificates need not be stamped . . . . . 263
„ „ to be sent to Commanding Officer of Cantonment . 263
„ wills, and register thereof . . . . . 214—216
Stamps on — issued to be punched . . . . . 239
Time for furnishing — . . . . . 294

COPYISTS—

Not allowed to examine for each other . . . . . 292
Number of licensed — to be retained . . . . . 287
To be licensed by the Judge . . . . . 286
„ keep registers of receipts . . . . . 287

CORPORATION—

Return of service of process on a — . . . . . 30

COSTS—

Of affidavits how to be borne . . . . . 254, 255
„ searches, &c., on the settlement of a proclamation of sale . . . 10, 11

COURT—

Appellate — to issue notices, &c., through the original Court . . . 270
Houses. Applications for construction and repairs of — . . . . 294
„ State of — to be shown in the annual report . . . . 121
Language of Civil —s in the Mofussil . . . . . 271—273
Original — to issue its own notices . . . . . 270
Procedure when a registered document is discredited by a Civil — . 278, 279
Reference of a certificate-case to a Subordinate — illegal . . . 276
Revenue —. *See* "REVENUE."
Small Cause —. *See* "SMALL CAUSE COURT."
Subordinate Appellate —s. Rules for — in the admission of appeals . 18, 19
„ —. *See* "SUBORDINATE."
*See also* "HIGH COURT."

COURT-FEES—

Act VII of 1870. Instructions regarding the cancellation of — stamps 237—241
„ „ Rules under clause 1, Section 20 . . . . { 4, 13, 15 / 225—235
„ „ „ „ clause 3, „ . . . . . 235
„ „ „ „ Section 22 . . . . . 236, 237
„ „ Working of rules under — to be mentioned in the annual report . . . . . 122
Deposit of — for the sale of property . . . . . 13
Fee for commissions to be paid in — stamps . . . . . 15
„ oath in affidavit to be entered in daily register of — realised . 4
„ „ „ „ paid in — stamps . . . . . 4

PAGE.

COURT-FEES—*concluded.*

Forms of daily registers of — realised . . . . . 224, 225
Genuineness of — stamps to be tested by Revenue Courts . . 276, 277
Irregularity in punching — stamps . . . . . 240
Order for the refund of „ „ . . . . . 91
Payable in appeals from certain orders under Section 244, C. C. P. . 258, 259
Punching of — stamps how to be effected . . . . . 237—241
Register for the refund of — stamps . . . . . 103
Stamps to be mutilated on being separated from the record . . . 314

CREDITOR—

Judgment —. *See* "JUDGMENT."

CURATORS—

Forms for use on the appointment of —, Act XIX of 1841 . . 205—207

CUSTODY—

Order for the refund of stamps paid on account of — fees . . . 91
Register of intestate property received in — by the Nazir . . . 105
Rules for the — of books in all libraries . . . . . 300, 301
„ „ „ wills . . . . . 214—216
When records may go out of the — of officers of the Court . . 315, 316

D.

DAILY—

Advice lists of receipts and payments . . . . . 94, 97
Registers of Court-fees realised. *See* "COURT-FEES."
„ „ deposits . . . . . 98
„ „ judicial deposits . . . . . 95, 96
„ „ receipts and payments on account of Ameens' fees . . 119, 120

DATE—

Of hearing an appeal . . . . . 19
„ sale how to be fixed . . . . . 11
„ verification of plaints . . . . . 1

DEBTS—

Application for certificate to collect — under Act XXVII of 1860 . . 212

DECLARANT—

In application for certificate under Act XXVII of 1860 . . . . 212
Oath of — in affidavit. *See* "AFFIDAVIT."

DECREE-HOLDER—

Claiming set-off . . . . . 14

DECREES—

Annual statement of appeals from — . . . . . 172, 173
„ „ „ applications for execution of — . . . . 176, 177
Applications for transfer of — not to appear in periodical statements . 125
Copies of — and certificates under Section 223, C. C. P., how to be forwarded . . . . . 257

PAGE.

DECREES—*concluded.*
Copies of — in pauper suits to be sent to Government Pleader . . 268
Execution of — in Foreign States . . . . . 257, 258
„ „ „ Rent suits . . . . . 223, 224
How to be drawn up . . . . . 255—257

DEFENDANT—
Return of service of process on — in person . . . . . 20
„ „ „ when — refuses or cannot be found . . 23
Summons on — under Section 85, C. C. P. . . . . 1, 251

DEPOSIT—
Daily registers of judicial —s . . . . . 95, 96, 98
Extract register of receipts of —s . . . . . 99
In the case of set-off . . . . . 13, 14
List of A —s to be transferred . . . . . 100
Provision against the fraudulent withdrawal of —s (Act XXVII of 1860) . . . . . 275, 276
*See also* "ACCOUNT RULES."

DESTRUCTION—
Of records . . . . . 308—313
„ „ of Small Cause Court cases disposed of by Munsifs . . . 278
„ Small Cause Court records . . . . . 33, 318, 319

DIARY—
Monthly — of Small Cause Courts . . . . . 146
Of Ameens . . . . . 274
Police — not to be sent for unnecessarily by Civil Courts . . . 251
To be kept by all Civil Courts . . . . . 294—296

DISBURSEMENTS. *See* "ACCOUNT RULES," "AMEENS."

DISTRICT—
Judge. *See* "JUDGE."

DOCUMENT—
Admission in evidence of unstamped, &c. — . . . . . 279
Application for certified copy of — in the record . . . . . 290
Fraudulent stamping of — after execution . . . . . 279
How to be marked at the trial . . . . . 306, 307
Procedure when a registered — is discredited by a Civil Court . 278, 279
Proof of — tendered as an exhibit . . . . . 2

DURATION—
Table showing average — of appeals in the year . . . . . 195
„ „ „ „ suits „ . . . . . 194

DUTY—
Certificate of penalty and stamp — levied . . . . . 200, 201
Quarterly statement of — leviable in pauper suits . . . . . 158

PAGE

## E.

EARNEST-MONEY—
Instructions regarding — . . . . . 14

ENGLISH—
Summons Book and Register (Small Cause Courts) to be kept in — 220, 221
When pleadings may be in — . . . . . 272

ENHANCEMENT—
Of rent. *See* "RENT."

ESTATES—
Annual statement of — in the hands of receivers . . . . . 179
Attachment of — and withdrawal thereof . . . . . 262

EUROPEANS—
Issue of process against — and Eurasians in Presidency towns . 249, 250

EVIDENCE—
Of witness in proceedings under Section 287, C. C. P. . . . . 10

EXAMINATION—
Commissions for the — of witnesses. *See* "COMMISSIONS."
Of witnesses . . . . . 253, 254

EXECUTION—
Fees for the service and — of processes . . . . . 225—235
Fraudulent stamping of documents after — . . . . . 279
Imprisonment in —. Form of warrant for — . . . . . 29, 30
Of decrees. *See* "DECREES."
Records of — cases to be sent up complete to the High Court . . 271
Resistance to — . . . . . 263
Salaries of peons employed in the service and — of processes . . . 235
Sale in —. *See* "SALE."

EXHIBIT—
How to be dealt with at the trial . . . . . 305—307
Proof of document tendered as — . . . . . 2
When a stranger to a suit can get copies of —s . . . . . 290

EX-PARTE—
Judgment. *See* "JUDGMENT."
Orders . . . . . 252
Records of cases decided — when to be destroyed . . . . . 311
When suit for arrears of rent can be tried — . . . . . 223

EXPENDITURE—
Daily register of — on account of Ameens . . . . . 120
*See also* "ACCOUNT RULES," "AMEENS."

EXPENSES—
Of sale in execution . . . . . 28
Travelling — of Special Commissioner. *See* "COMMISSIONER."

PAGE

EXPLANATION—
Of cases pending over one year to be submitted with quarterly statements . . . . . 147
delay in disposing of suits when to be submitted by Subordinate Courts . . . . . 133, 134, 147

F.

FEES—
And charges for authenticated and unauthenticated copies . . 291—294
Applications for refund of process — . . . . . 234
Certificate of refund of stamp — . . . . . 90
Court —. *See* "COURT-FEES."
Daily register of receipts and disbursements on account of Ameens' — 119, 120
Extra — for emergent copies . . . . . 293
For administering oaths in affidavits . . . . . 3, 4
„ boat-hire in certain districts . . . . . 232, 233
„ examining records, payable by Pleaders . . . . . 288
„ inspection and copies of wills . . . . . 216
„ issue of commissions . . . . . 15
„ service and execution of process . . . . . 225—235
„ Special Commissioners, Sections 194 to 197, C. C. P. . . . . 4
No — chargeable for certain processes . . . . . 231
Of Revenue Agents practising as Pleaders in rent suits . . . . . 243
On certain notices under Section 248, C. C. P. . . . . 259
Payable to Pleaders in certain miscellaneous cases . . . . . 242
Searching — . . . . . 287, 288
When no — chargeable for administering oaths in affidavits . . . . 3

FERRY—
Fee for process-peon crossing — to be paid in cash . . . . . 233

FINES—
Form of refund of — . . . . . 89
Register of — and forfeitures . . . . . 101
Rules for — . . . . . 108—119

FLY-LEAF—
To be prefixed to each record . . . . . 307

FOLIO—
Explanation of the term — . . . . . 291

FORECLOSURE—
Proof of service of notice of — . . . . . 273
*See also* "REGULATIONS" (I of 1798 and XVII of 1806).

FOREIGN—
Language or terms not to be used in proceedings, &c. . . . . 272
Suits by or against — States . . . . . 257, 258

PAGE.

FORFEITURES—
Register of fines and — . . . . . 101

FORGERY—
Provision against the — of Court-fee stamps . . . . . 276, 277

FORMS—
For preparing copies of sale-certificates . . . . . 262, 263
„ proceedings in Civil Courts . . . . . 20—33
„ use on the appointment of Curators, Act XIX of 1841 . . 205—207
„ use under Act XL of 1858 . . . . . 207—210
Of address in official correspondence . . . . . 320
„ application for copies . . . . . 289
„ „ „ information . . . . . 288
„ certificate for copies of judicial records in Cooch Behar . . 269, 270
„ „ of stamp duty and penalty levied . . . . . 201
„ „ to be given by Pleaders in appeals . . . . . 18, 19
„ „ under Act XXVII of 1860 . . . . . 212—214
„ diary of Ameens . . . . . 274
„ *fehrist* to accompany records despatched to District Courts . . 315
„ memorandum to be filed by Government Pleader in Government suits 269
„ notice of sale, Act VIII (B. C.) of 1869 . . . . . 31, 32
„ „ on respondent in an appeal . . . . . 19
„ oaths of declarants in affidavits . . . . . 6, 7
„ „ &c., for witnesses and others . . . . . 241
Of proclamation of sale in execution . . . . . 27, 28
„ Registers. *See* "REGISTERS."
„ returns of service of process . . . . . 20—24, 30, 218, 249
„ sale account . . . . . 24—26
„ statements. *See* "STATEMENTS."
„ Summons Book, Small Cause Courts . . . . . 221
„ warrant for imprisonment in execution . . . . . 29, 30
Sub-division of — No. 116, Schedule IV, C. C. P. . . . . 202
Under Account Rules . . . . . 76—105

FRAUDULENT—
Provision against the — withdrawing of deposits, Act XXVII of 1860 275, 276
Stamping of documents after execution . . . . . 279

## G.

GENUINENESS—
Procedure when the — of a stamp is doubted . . . . . 279

GOVERNMENT—
Applications for the construction, &c., of Court-houses to be made to — direct . . . . . 294
Claim against — in a certificate case Act XXVII of 1860 . . . 276

PAGE

GOVERNMENT—*concluded.*

Pleader. Copies of decrees in pauper suits to be sent to — . . . . 268
„ Payment of money to — in — suits . . . . . 269
„ to file memorandum on appearing for — . . . . . 268, 269
Suits by or against — or — officers . . . . . 268, 269

GRANT—

Of a certificate under Act XXVII of 1860 . . . . . 275, 276
Quarterly statement of —s of probate and letters of administration . 157

GRATUITY—

Applications for pension and— . . . . . 322

H.

HALF-YEARLY—

Statements. *See* "STATEMENTS."

HEAD CLERK. *See* "CLERK."

HEARING—

Of suits and examination of witnesses . . . . . 253, 254

HIGH COURT—

Account rules (Judicial) do not apply to the — . . . . . 34
Appeals to the —. *See* "APPEALS."
Applications for copies of letters, &c., of the — . . . . . 290
„ „ privilege leave to be submitted to the — through the Accountant General . . . . . 321
„ „ vacation leave to be submitted direct to the — . . 321
Appointment by the Judge of an acting Munsif to be reported to the — 277
Monthly returns of Small Cause Courts to go to the — through the District Judge . . . . . 244
Postage of records to the — . . . . . 318
Transfer of charge to be reported to the — . . . . . 321
Vernacular papers not to be forwarded to the — . . . . . 296, 297

HOLIDAYS—

When trials may proceed on Sundays and gazetted — . . . . . 296

I.

IMMOVABLE—

Property. *See* "PROPERTY."

IMPRISONMENT—

Form of warrant for — in execution . . . . . 29, 30

INDEX—

Of copies of Wills . . . . . 214, 215

INQUIRIES. *See* "COMMISSIONS," "LOCAL."

INSPECTION—

Date of last — of Subordinate Courts to be shown in annual report . 122
District Judge at each — to report how diary is kept . . . . . 298

PAGE.

INSPECTION—*concluded.*

Instructions regarding the periodical — of Subordinate Courts 297—299
Quarterly — of papers, &c., in records . . . . . 239, 240
Rules for the — of wills . . . . . 214—216

INSOLVENCY—

Annual Statement of proceedings in — . . . . . 178, 179
Notices on creditors in applications for — how to be charged . . 234

INTERPRETER—

Forms of oaths, &c., for —s and others . . . . . 241

INTESTATE—

Expense of conveying — property to the Sudder Station . . 299, 300
Property of — how to be dealt with . . . . . 120
Register of — property received in custody by the Nazir . . . 105

INVESTIGATION—

Commissions for local —s. *See* "COMMISSIONS."

IRREGULARITY—

In punching, &c., Court-fee stamps . . . . . 238, 240
" registering plaints . . . . . 244

ISSUE—

Of commissions. *See* "COMMISSIONS."

J.

JAIL—

Form of warrant to — officer for imprisonment in execution . . . 29, 30

JUDGE—

All —s to be on the bench at 11 A.M. . . . . 296
" " sign their names clearly and legibly . . . . . 250
In charge. Meaning of— in the Account Rules . . . . . 35
What officers are included in the term — in the Account Rules . . 34

*Additional Judge—*

Returns of — to be incorporated in the district returns . . . . 124

*District Judge—*

Applications for promotion and transfer to be sent through the — . . 322
Meaning of the term— in the Account Rules . . . . . 35
Monthly returns of Small Cause Courts to go through the — . . 244
Salaries of peons in the Court of the— . . . . . 235
To examine the diary and register of Ameens . . . . . 274
" report appointment of acting Munsif to the Accountant General . 277
" " transfer of charge to the High Court . . . . . 321
" see that information is collected for the annual statements . . 160
" submit annual return of renewed certificates of Pleaders, &c. . 280 - 282
When to recommend for Small Cause Court powers . . . 278

PAGE.

JUDGE—*concluded.*

*Subordinate Judge—*

Destruction of records of Small Cause Court cases disposed of by a — . . 278

Forms of address of—s in official correspondence . . . . . 320

Salaries of peons in the Court of the — . . . . . 235

*See also* "SMALL CAUSE COURTS."

JUDGMENT—

Annual statement of applications to set aside 'ex-parte' —s . . . . 184

Copy of — in a certificate case when to be granted . . . . 275

Creditor and costs of settlement of proclamation of sale . . . . . 10

Small seals not to be used for sealing —s . . . . . 318

When to be dated and signed . . . . . 255

JUDICIAL—

Officers. *See* "OFFICER"

Subordinate — Service. *See* "SUBORDINATE."

JURIES—

Annual statement showing the use of — and Assessors . . . . . 180

JURORS—

Forms of oaths, &c., for — and others . . . . . 241

K.

KATHI—

In what districts to be exclusively used . . . . . 278

L

LAND—

Appointment of manager to revenue-paying — . . . . . 270

Attachment of — under Sections 237, 238, C. C. P. . . . . 6

LANGUAGE—

Of Civil Courts . . . . . 271—278

LAPSE—

Of deposits. *See* "ACCOUNT RULES."

LEAVE—

Applications for privilege — to be sent through the Accountant General 321

" " vacation — to be sent direct to the High Court . . 321

LEGAL—

Practitioners. *See* "PRACTITIONERS."

LETTER—

In English to accompany certain processes . . . . . 251

Of administration. *See* "ADMINISTRATION."

LIBRARIES—

Condition of the Judge's — to be shown in the annual report . . . 122

Rules for the custody of books in all — . . . . . 300, 301

PAGE

LIMITATION ACT. *See* "ACTS" (XV of 1877).

LIST—

Daily advice — of receipts and payments . . . . . 94, 97
Of cases to accompany records sent to the District Court . . . 315
„ deposits to be transferred . . . . . 100
„ High Court Pleaders willing to execute commissions . . . . 16
„ property put up for sale in execution . . . . . 28
„ registers and returns under the Account Rules . . . . 106, 107
„ rent suits to be stuck up in the Court-house . . . . . 222
Supplementary — of property to be refused in rent-suits . . . . 224

LIVE-STOCK—

Rules for the custody, &c., of attached — over Rs. 20 in value . 260, 261
Sale of — where to be held . . . . . 12

LOCAL—

Commissions for — investigations . . . . . 264—268
Instructions for the guidance of Ameens in — inquiries . . . 267, 268

M.

MANAGER—

Appointment of — under Section 503, C. C. P., to be notified to Collector 270
Return of service of process on agent or — . . . . . 21

MAPS—

How to be prepared in local inquiries . . . . . 267, 268
In appeals to the High Court to be pasted on cloth . . . . . 271

MARKET—

At what — the sale of certain property should be held . . . . 12, 13

MEASUREMENTS—

In local inquiries how to be made . . . . . 267, 268

MEMORANDUM—

To be filed by the Government Pleader in Government suits . . 268, 269

MILITARY—

Sale of building in a — cantonment . . . . . 263
Summons on persons in — employ . . . . . 251

MINORS. *See* "WARDS."

MISCELLANEOUS—

Acts. *See* "ACTS."

Appeals. Annual statement of judicial — . . . . . 174, 175
„ Classification of — . . . . . 129
„ Monthly statement of — . . . . . 144, 145
„ Quarterly statement of — . . . . . 155
„ Table showing number of — in the year . . . . . 193
Cases. Fees payable to Pleaders in certain — . . . . . 242
Rules for the preparation, &c., of records in — . . . 302—308

PAGE.

MISCELLANEOUS—*concluded.*

Judicial cases. Annual statement of — . . . . . 170, 171
" " Classification of — . . . . . 127, 128
" " Monthly statement of — . . . . . 137, 138
" " Quarterly statement of — . . . . . 150, 151
" " Table of — . . . . . 186
Non-judicial cases. Classification of — . . . . . 127
" " Monthly statement of — . . . . . 141
" " Quarterly statement of — . . . . . 152
" " Table of — . . . . . 187
Orders. *See* "ORDERS."
Receipts. *See* "ACCOUNT RULES," "REGISTERS,"
Rules. *See* "ACCOUNT RULES."

MONTHLY—
Statements. *See* "STATEMENTS"

MORTGAGE. *See* "REGULATIONS" (I of 1798 and XIII of 1806).

MOVABLE—
Property. *See* "PROPERTY."

MUKHTARS—
Annual return of renewed certificates of Pleaders and — . . 280, 281
Applications by Vakeels and — for renewed certificates . . 281, 282
Certain — can practise only in the Criminal Courts . . . . 283
Not to use foreign terms in petitions, &c. . . . . 272

MUNSIF—
Appointment of acting — under Section 9, Act VI of 1871 . . . 277
Commissions should ordinarily be addressed to —s . . . . 16
Destruction of records of Small Cause Court cases disposed of by —s . 278
How to be addressed in official correspondence . . . . . 320
Inspection of —s' Courts . . . . . 297, 299
May have what punkah-pullers . . . . . 322
Ought not to be Municipal Commissioner . . . . . 320 321
Salaries of peons in the Courts of —s . . . . . 235
Summons under Section 85, C. C. P., to be directed to the — . . 251, 252
When a — may be member of the Road Cess Committee . . . . 321
*See also* "SMALL CAUSE COURTS," "SUBORDINATE."

## N.

NAGRI—
In what divisions to be exclusively used . . . . . 273

NAZIR—
Forms of returns of service of process to be made by the — . . 247—249
Receipt of cash by the — at sales . . . . . 25
Register of intestate property received in custody by the — . . 105
To fill in the form of sale account . . . . . 24

PAGE.

NOTICE—
Fees on certain —s under Section 248, C. C P. . . . . 259
Of objection by respondents in appeals . . . . . 19
„ sale. Form of — . . . . . 31, 32
On creditors in applications under Section 345 (*f*), C C. P. . . . 234
Proof of service of — of foreclosure . . . . . 273
Returns of service of summons and —s . . . . . 20—24, 30
To be given to the Government Pleader in certain cases . . . . 276

O.

OATHS—
Act (X of 1873) . . . . . 6, 241
For witnesses, interpreters, and jurors . . . . . 241
Of declarants in affidavits. *See* "AFFIDAVIT."
Quarterly return of — in affidavits . . . . . 204

OBJECTION—
Petitions of — to the reports of Ameens . . . . . 265, 266

OFFICERS—
Public. Imputation of prejudice against— . . . . . 302
„ Not to lend money to persons in their jurisdiction . . . 301
„ „ receive complimentary addresses . . . . . 301
„ „ forward representations of personal services . . . 322

ORDER—
Every process or — to be clear and legible and what to show . . . 250
For issue of a commission. *See* "COMMISSIONS."
„ local inquiry under Section 392, C. C. P. . . . . 264
„ refund of Court-fee stamps . . . . . 91
Miscellaneous —s . . . . . 273—322
Passed 'ex parte' . . . . . 252
Payment —. Forms of — . . . . . 84—87
Sheet, or *Roozdad* . . . . . 304, 305
What circular —s apply to Small Cause Courts . . . . . 319
Written — under Section 274, C. C. P. . . . . 262

ORIGINAL—
Quarterly statement of — suits . . . . . 148, 149

OUDH—
Commissions to — to whom to be addressed . . . . . 17

OUT-STATION—
Meaning of — in the Account Rules . . . . . 34

P.

PARTICULARS—
Annual account —. *See* "ACCOUNT RULES."
To be recorded in applications for attachment of land . . . . . 7

PAGE.

PASS—
Book . . . . . 93

PAUPER—
Applicant for sale . . . . . 10, 11
Suits. Procedure in — . . . . . 268
„ Quarterly statement of — decided . . . . . 158, 159

PAYMENT—
Of money. To the Government Pleader in Government suits . . . 269
„ „ *See* "ACCOUNT RULES."

PENALTIES—
Stamp —. *See* "STAMP."

PENSION—
Applications for — and gratuity . . . . . 322

PEONS—
Number of — to be employed in each district . . . . . 236
Salaries of — employed in the service, &c., of processes . . . . 235

PETITIONS—
In what language to be drafted . . . . . 272
Of appeal. *See* "APPEALS."
„ objection to the reports of Amêens . . . . . 265, 266
To be taken in open Court . . . . . 238, 296
When stamps on — are to be punched . . . . . 238
„ — to be taken . . . . . 296

PLAINTS—
To be in the vernacular of the district . . . . . 272
„ promptly registered . . . . . 244
Verification of —, &c., to show date and place of signature . . . 1

PLEADERS—
Annual return of renewed certificates of — and Mukhtars . . 280, 281
Fees payable to — in certain miscellaneous cases . . . . . 242
Government —. *See* "GOVERNMENT."
May enter record-rooms and examine records . . . . . 288
„ hold the office of Sub-Registrar of Deeds . . . . . 283, 284
May present petitions of appeal . . . . . 18
Must conform to the Code in conducting suits . . . . . 254
„ sign decrees in Mofussil Courts . . . . . 257
No Judicial Officers on leave may practise as — . . . . . 283
Not to use foreign terms in petitions, &c. . . . . 272
Of the High Court. Additional fee for commissions to — . . . 15
„ „ List of — willing to execute commissions . . 16
„ „ What commissions to issue to — . . . . . 15
Responsibility of — in accepting Vakalutnamahs . . . . . 241, 282
Revenue Agents practising as — in rent suits . . . . . 242, 243

PAGE

PLEADERS—*concluded.*
Should attend to the preparation of decrees before being recorded . . 256
What certificate to be given by — in petitions of appeal . . . 18, 19
Who are candidates for the Subordinate Judicial Service . . . 319, 320
*See also* "VAKEELS."

PLEADINGS—
To be in the Vernacular of the district . . . . . 272
When — may be in English . . . . . 272

POLICE—
Diaries. *See* "DIARY."
Process on — officer how to be served . . . . . 251
Records of Subordinate Courts to be despatched through the — . 314, 315

POSTAGE—
Instructions as to the payment of — of records . . . . . 316—318

PRACTICE—
In Civil Courts. Hours of business . . . . . 296
" Petitions when to be taken and where . . . 296
" Trials not to be on Sundays or holidays . . . 296
Restriction as to the — of Advocates of other High Courts . . . 280
Rules of — for Small Cause Courts . . . . . 217—221

PRACTITIONERS—
Legal — Act. *See* "ACTS" (XVIII of 1879).
" " Miscellaneous instructions regarding — . . . . 282—284
" " Rules under Section 6, Act XVIII of 1879 . . . . 241
*See also* "ADVOCATES," "ATTORNEYS," "MUKHTARS," "PLEADERS," "VAKEELS."

PRESERVATION—
Rules for the — of wills . . . . . 214—216

PRIVILEGE—
Leave. *See* "LEAVE."

PRIVY COUNCIL.
Processes in appeals to the — may be sent by Service Post . . . . 271

PROBATE—
Quarterly statement of grants of — . . . . . 157
Table showing the number of —s issued during the year . . . . 196

PROCEDURE CODE—
Chapter XIV . . . . . 202, 203
Chapter XX . . . . . 178, 179
" XLI . . . . . 18, 19
Schedule IV, Form 116 . . . . . 202
" " " 175 . . . . . 19
Section 2 . . . . . 244

PAGE.

PROCEDURE CODE—*continued.*

Section 22, 25 . . . . . 127
„ 37 . . . . . 18, 245
„ 48 to 63 . . . . . 244
„ 51, 52 . . . . . 1
„ 58 . . . . . 202
„ 64 to 94 . . . . . 245—252
„ 75 . . . . . 20, 21, 245
„ 76 . . . . . 21
„ 77 . . . . . 21, 246
„ 78 . . . . . 22, 246
„ 80 . . . . . 23, 246
„ 82 . . . . . 24, 246
„ 85 . . . . . 1, 251
„ 96 to 107 . . . . . 252, 253
„ 98 . . . . . 253
„ 99 . . . . . 127
„ 100 . . . . . 252
„ 103, 108 . . . . . 127, 252
„ 110 to 116 . . . . . 253
„ 118 . . . . . 303
„ 137 . . . . . 306, 315
„ 140, 142 . . . . . 2
„ 147, 148 . . . . . 303
„ 156 to 158 . . . . . 2, 3
„ 179 to 193 . . . . . 253, 254
„ 181 . . . . . 254
„ 194 to 197 . . . . . 3—7, 204; 254, 255
„ 206 to 216 . . . . . 255—257
„ 223 . . . . . 257
„ 230 . . . . . 261, 307
„ 232, 234 . . . . . 308
„ 237, 238 . . . . . 7
„ 244 . . . . . 127, 258, 259
„ 248 . . . . . 259, 308
„ 258 . . . . . 127
„ 266 to 285 . . . . . 259—262
„ 269 . . . . . 11
„ 278 . . . . . 127, 308
„ 284 . . . . . 8, 27
„ 286 to 295 . . . . . 24—26
„ 287 . . . . . 27, 28; 259—261
„ 290 . . . . . 260
„ 291 . . . . . 28

PAGE.

PROCEDURE CODE—*concluded.*

Section 294 . . . . . 13, 14
" 304 to 307 . . . . . 262, 263
" 306 . . . . . 13
" 311, 313 . . . . . 127
" 328 . . . . . 127
" 328 to 335 . . . . . 263
" 331 . . . . . 127, 308
" 332 . . . . . 128
" 334 . . . . . 127
" 336 . . . . . 264
" 341, 342 . . . . . 29, 30
" 344 . . . . . 128, 178
" 345 (*f*) . . . . . 234
" 383 . . . . . 156
" 385 . . . . . 15
" 386 . . . . . 14—18, 156
" 390 . . . . . 303
" 392 to 400 . . . . . 264—267
" 401 . . . . . 128
" 401 to 415 . . . . . 268
" 411 . . . . . 11
" 416 to 429 . . . . . 268, 269
" 417 . . . . . 18, 245
" 432 . . . . . 18, 245
" 436 . . . . . 30, 247
" 470 . . . . . 129
" 471, 474 . . . . . 128
" 487 . . . . . 127
" 503 . . . . . 270
" 523, 525, 529, 539 . . . . . 129
" 553 . . . . . 19, 270
" 558, 560 . . . . . 127
" 561 . . . . . 19
" 562, 566, 568 . . . . . 129
" 584 to 587 . . . . . 270, 271
" 588 . . . . . 128
" 592 623 . . . . . 129
" 641 . . . . . 17
" 645 . . . . . 271—273

PROCEEDINGS—

Forms for — in Civil Courts . . . . . 20—33
In Civil Courts to be in the vernacular of the District . . . . 272
" Insolvency. *See* "INSOLVENCY."
Procedure in Summary — under Regulation XVII of 1806 . . . 273

PAGE.

PROCESS—

Applications for the refund of — fees . . . . . 234
For another district, when to be accompanied with translation . 250, 251
General directions as to the service of — . . . . . 245—252
How to be issued by Appellate and Original Courts . . . . . 270
In certain appeals may be sent by Service Post . . . . . 271
Issue of — for service in Presidency Towns . . . . . 249, 250
On military, how to be served . . . . . 251
„ Police, how to be served . . . . . 251
Proof of service of — . . . . . 245—247
Servers. Affidavits made by— . . . . . 3
Service of—Affidavits sworn for the proof of — . . . . . 4
„ „ Clerk of Small Cause Court can sign requisitions to other Courts for the — . . . . . 217
„ „ Fees for the — . . . . . 225—235
„ „ in the mofussil for the Calcutta Small Cause Court . . . 319
„ „ Returns of— . . . . . 20—24, 30
„ „ Salaries of peons employed in the— . . . . . 235
Small seals not to be used for sealing— . . . . . 318
To be clear and legible, and what to show . . . . . 250

PROCLAMATION—

Of sale. *See* SALE.

PROMOTION—

Applications for — and transfer . . . . . 322

PROOF—

Of document tendered as exhibit . . . . . 2
„ service of notice of foreclosure . . . . . 273
„ service of process . . . . . 245—247, 249

PROPERTY—

Attachment of— . . . . . 259—262
Intestate. *See* "INTESTATE."
Of minors. *See* "WARDS."
Register of intestate — received in custody by the Nazir . . . . 195
Sale of immovable — . . . . . 262, 263
„ „ movable and immovable . . . . . 8—13, 27, 28
Schedule of — in proclamation of sale . . . . . 28
Supplementary lists of—to be refused in rent suits . . . . . 224
Table showing immovable — held, &c., by Subordinate Judicial Officers . 199

PUBLIC—

Officers. *See* "OFFICERS."

PUNCHAYET—

To assess the value of property attached . . . . . 260

PAGE.

PUNCHING—
Irregularity in — Court-fee stamps . . . . . 238—240
Of Court-fee stamps how to be effected . . . . . 237—241
Re — of stamps on certain records . . . . . 240

PURCHASE—
Money. How to be paid at sales in execution . . . . . 28
„ Set-off of — against the amount decreed . . . . . 14

Q.

QUARTERLY—
Statements. *See* "STATEMENTS."

R.

RAILWAY—
Arrest of — servants . . . . . 264

RECEIPT—
And payment of money. *See* "ACCOUNT RULES," "AMEENS."
Annual statement of —s and charges . . . . . 163
Cashier's — for peremptory cash receipts . . . . . 80
Of complimentary addresses by public Officers . . . . . 301

RECOMMENDATION—
Of Small Cause Court powers . . . . . 278

RECORD-ROOM—
May be entered by whom . . . . . 288
State of the Judge's — to be shown in the annual report . . . 121

RECORDS—
Annual report to show how the rules for the arrangement, &c., of— have been observed . . . . . 122
Applications for certified copies of documents appertaining to — of suits 290
Destruction of — of S. C. C. cases disposed of by Munsifs . . . 278
„ Small Cause Court —. . . . . 33, 318
Instructions as to the payment of postage on— . . . . . 316—318
Of appeals to the High Court to be sent within seven days . . . 270
„ execution cases to be sent up complete to the High Court . . . 271
Registration officers to inspect — in the mofussil . . . . . 240
Repunching of stamps on certain — . . . . . 240
Rules for the destruction of — . . . . . 308—313
„ „ periodical despatch of — to the District Courts . . 314, 315
„ „ preparation and arrangement of — in suits, &c. . . 302—308
Stamps on — to be punched a second time by the Record-keeper . . 238
When — may go out of the custody of officers of the Court . . 315, 316

REFERENCE—
Of a certificate case to a Subordinate Court illegal . . . . . 276

PAGE.

REFUND—
Applications for the — of process-fees . . . . . 234
Certificate of — of stamp-fees . . . . . 90
Of fines or miscellaneous receipts . . . . . 89
Order for the — of Court-fee stamps . . . . . 91
Register of the — of Court-fee stamps . . . . . 103

REGISTER—
Daily — of Court-fees realised . . . . . 224
" " judicial deposits . . . . . 95, 96, 98
Daily — of receipts and payments on account of Ameens' fees . 119, 120
Deposit —. *See* "ACCOUNT RULES."
Detailed daily — of Court-fees realised . . . . . 225
Extract — of receipts of deposits . . . . . 99
Fine —. . . . . 108, 113
Forms of —s to be kept under the Account Rules . . . . . 76—105
" " fine —s . . . . . 115, 116
General — A of suits, Section 58, C. C. P. . . . . 202
Kept by the Collector under Act VII (B. C.) of 1876 . . . . . 8, 9
List of —s to be kept under the Account Rules . . . . . 106
Of applications for copies . . . . . 291
" " " of wills . . . . . 216
" attendance of witnesses . . . . . 202, 203
" chalans for money tendered in Court . . . . . 78
" " " petty payments into Court . . . . . 79
" civil suits, Small Cause Courts . . . . . 220
" fines and forfeitures . . . . . 101
" intestate property received in custody by the Nazir . . . . . 105
" miscellaneous receipts . . . . . 104
" payment orders issued . . . . . 92
" practitioners enrolled and practising in Subordinate Courts . . 282
" receipts to be kept by copyists . . . . . 287
" stamp duty and penalties . . . . . 102
" wills . . . . . 215
To be kept by Ameens . . . . . 274

REGISTERED—
Procedure when a — document is discredited by Civil Courts . . 278, 279

REGISTRATION—
Act. *See* "ACTS" (III of 1877).
Inspector-General and Inspectors of — to examine documents in the mofussil . . . . . 240

REGULATION—
XXXVIII of 1793 . . . . . 301
XLIX of 1793 . . . . . 312
I of 1798 . . . . . 128

PAGE

REGULATION—*concluded.*

V of 1799 . . . . . 128, 310, 311

XVII of 1806 . . . . . 128, 273; 310, 311

V of 1812 . . . . . 312

V of 1831 . . . . . 312

REMISSION—

Of fines. *See* "RULES" (for fines).

REMITTANCE—

To the Treasury. *See* "ACCOUNT RULES."

RENEWAL—

Of certificates of Pleaders and Mukhtars. *See* "CERTIFICATES."

RENT—

Suits. Delay in disposing of— . . . . . 134

" Execution of decrees in— . . . . . 223, 224

" List of — to be stuck up in Court . . . . . 222

" Revenue Agents practising as Pleaders in — . . . . 242, 243

" Rules for the prompt trial of — . . . . . 222—224

" Summons in — what to state . . . . . 222

When payable into Court in kind . . . . . 223

REPORTS—

Annual —. Instructions regarding — . . . . . 121—122

" " No particular form of — prescribed . . . . . 121

" " What subjects to be noticed in — . . . . 121, 122, 267

" " What tabular statements to accompany — . . . . . 121

Foolscap paper to be used for separate — . . . . . 123

Of appointments by the District Judge of acting Munsiffs . . . 277

On the inspection of Subordinate Courts . . . . . 298, 299

Separate — required on the character, &c , of the Sub-Judicial Service . 122

To be submitted by Ameens . . . . . 273—275

When Sharrishtadars are placed in charge of Munsiffs' duties . . 277, 278

REPRESENTATION—

Certificates of — under Act XXVII of 1860 . . . . . 212—214; 275, 276

Of personal services . . . . . 322

RESISTANCE—

To execution . . . . . 263

RESPONSIBILITY—

Of ordering an enquiry under Section 392, C. C. P. . . . . 264

" Pleaders accepting vakalatnamahs . . . . . 241, 282

RETURNS—

And statements. *See* "STATEMENTS."

Annual — of renewed certificates of Pleaders and Mukhtars . . 280, 281

District monthly —. *See* "ACCOUNT RULES."

PAGE.

RETURNS—*concluded.*

Fine — . . . . . 118, 119
List of — to be kept under the Account Rules . . . . 106, 107
Monthly — of Small Cause Courts to be submitted through District Judge 244
Of service of process. Forms of — . . . . . 20—24, 30, 218
Weekly — of work to be submitted by Amecus . . . . . 265

REVENUE—

Agents practising as Pleaders in rent suits . . . . . 242, 243
Appointment of manager to — paying land . . . . . 270
Board of —'s circular regarding cancellation of stamps . . . 238—240
" " " " testing of Court-fee stamps . 276, 277
Courts. Information regarding — to be supplied by Collectors . . 124
Decrees of the — Courts in Cooch Behar . . . . . 274
Free and — paying land. *See* "LAND."

RULES—

Account—(judicial) . . . . . 34—119
As to notice of appeal . . . . . 19
For Courts in the exercise of their duties under Section 287, C. C. P. . 8—13
" fines . . . . . 108—119
" officers administering oaths in affidavits . . . . . 4—7
" receiving applications for certificates under Act XXVII of 1860 . 212
" Subordinate Appellate Courts in the admission of appeals . . 18, 19
" the custody of books in all libraries . . . . . 300, 301
" " " &c., of wills . . . . . 214—216
" " destruction of records and papers . . . . . 308—313
" " " " Small Cause Court records . . . . 33, 318, 319
" " issue of commissions . . . . . 14—18
" " " " under Section 392, C. C. P. . . . 264—267
" " maintenance, &c., of attached live-stock . . . . 260, 261
" " periodical despatch of records to District Courts . . 314, 315
" " preparation and arrangements of records in suits, &c. . 302—308
" " prompt trial of suits under Act VIII (B. C.) of 1869 . 222, 223
Of Practice, Small Cause Courts . . . . . 217—222
Regarding Sections 294 and 306, C. C. P. . . . . 13, 14
Under Act VII of 1870. *See* "COURT-FEES."

## S.

SALARIES—

Of peons. *See* "PEONS."

SALE—

Account. Form of — . . . . . 24—26
Adjournment of — . . . . . 27, 28
Conditions of — . . . . . 28
Date and day of — how to be fixed . . . . . 11

PAGE.

SALE—*concluded.*

Decree-holder purchasing at — and claiming set-off . . . . . 14
Deposit of Court-fees for the — of property . . . . . 13
Form of notice of — under Sections 59, 60, Act VIII (B. C.) of 1869 . 31, 32
List of property up for — to be made out . . . . . 11
Of attached property under Rs. 20 in value . . . . . 259—262
„ building in a military cantonment . . . . . 263
„ immovable property . . . . . 262, 263
„ property of intestate . . . . . 120
„ under-tenures under Sections 59, 60, Act VIII (B.C.) of 1869 . . 13
Pauper applicant for — . . . . . 10
Proclamation of —. Adjournment of the settling of — . . . . 10
„ „ Costs of searches, &c., on the settlement of — . 10
„ „ Day to be fixed for — . . . . . 8
„ „ Form of — . . . . . 27, 28
„ „ How to be settled . . . . . 9, 10
Receipt of cash as — proceeds . . . . . 25
Re — when may be held . . . . . 28
Rules for the — of movable and immovable property . . . . 8—13
Schedule of property in proclamation of — . . . . . 28
To be held at the stated date and hour . . . . . 11, 12
Where to be held . . . . . 12

SCHEDULE—

Of property in the proclamation of sale . . . . . 28
„ under-tenure in the notice of sale . . . . . 32
Sub-division of column 2, Form No. 116, — IV, C. C. P. . . . 202

SEALS—

Small — how to be used . . . . . 318

SECTION. *See* "ACTS," "PROCEDURE CODE."

SERVICE—

Of process. *See* "PROCESS."
Proof of — of notice of foreclosure . . . . . 273
Returns of — of summons and other . . . . . 20—24, 30
Subordinate Judicial —. *See* "SUBORDINATE."

SET-OFF—

Rules and instructions regarding — . . . . . 14

SETTLEMENTS—

In Court. *See* "ACCOUNT RULES."

SHARES—

Of estates. *See* "ESTATES."

SHARBISHTADAR—

Not to be employed on the Bench . . . . . 295
Report required when the — is placed in charge of a Munsiff's office 277, 278

PAGE.

SMALL CAUSE COURTS—

*In Calcutta (Act IX of 1850)*—

Judicial account rules do not apply to the — . . . . . 34

Service of processes in the mofussil for the — . . . . . 319

*In the Mofussil (Act XI of 1865)*—

Applications for copies how to be dealt with by the — . . . . . 318

Cases how to be noted in General Register A of suits . . . . . 202

Circuits of a Judge of several — . . . . . 216

Communications from — to be submitted through the Judge . . 244

Delay in disposing of suits by — . . . . . 133

Destruction of records of — . . . . . 318, 319

Diary to be kept by — . . . . . 294

Form of diary of — . . . . . 146

Register of suits of — . . . . . 220, 319

Returns of — to be incorporated in district returns . . . . . 124

Rules for the preparation, &c., of records in suits, &c., do not apply to — 302

„ of practice for — . . . . . 217—221

Salaries of peons of — . . . . . 235

Summons Book of — . . . . . 221, 319

What circular orders apply to — . . . . . 319

When the clerk of — can sign requisitions to other Courts . . . 217

*Under Act VI of 1871*—

Destruction of records of — . . . . . 278

Judges to keep Summons Book and Register . . . . . 33

„ „ observe the rules for the destruction of — records . . . 33

Recommendation of — powers under Section 29 . . . . . 278

SPECIAL—

Commissioner. *See* "COMMISSIONER."

STAMP—

Act. *See* "ACTS" (I of 1879).

Certificate of refund of — fees . . . . . 90, 234

„ „ — duty and penalty . . . . . 200, 201

Court-fee —s. *See* "COURT-FEES."

Procedure when the genuineness of a — is doubted . . . . . 279

Quarterly statement of — duty leviable in pauper suits . . . 158, 159

Register of — duty and penalties . . . . . 102

STAMPING—

Fraudulent — of documents after execution . . . . . 279

STATEMENTS—

Annual, monthly, and quarterly — when to be despatched by Subordinate Courts . . . . . 123, 124

Instructions to facilitate making up annual and quarterly — . . 202

No — to be discontinued without express order . . . . . 132

Of service in applications for pension and gratuity . . . . . 322

Periodical —. Applications for transfer of decrees not to appear in — 125

PAGE

SUITS—

By or against Government or Government Officers . . . . . 268
Hearing of — and examination of witnesses . . . . . 253
Institution of — . . . . . 244
Pauper —. *See* "PAUPER."
Proof of document tendered as exhibit in — . . . . . 2
Rent —. *See* "RENT."
Rules for the preparation, &c., of records in —, &c. . . . . 302—308
When strangers to — may get copies of documents . . . . . 290

SUMMARY—

Procedure in — proceedings under Regulation XVII of 1806 . . . 278

SUMMONS—

Book. Form of —, Small Cause Courts . . . . . 221
„ Small Cause Court Judges under Act VI of 1871 to keep the —. 32, 33
In rent suits . . . . . 222
On a person in military employ . . . . . 251
Police Officer . . . . . 251
Returns of service of — and other process . . . . . 20—24, 30
Under Section 85, C. C. P., to whom to be directed . . . . 1, 251

SUNDAYS. *See* "HOLIDAYS."

SUNSET—

No sale to be continued after — . . . . . 12

T.

TABLES—

Of fees for the service, &c., of processes . . . . . 226—231
*See also* "STATEMENTS."

TENURE—

Annual Statement of —s sold by Civil Courts . . . . . 200
Form of notice of sale of under — . . . . . 31, 32
Sale of under — under Sections 59 60, Act VIII (B. C.) of 1869 . . 13

TOLL—

For crossing a ferry . . . . . 233

TRANSFER—

Applications for — of decrees not to appear in periodical statements . 125
„ „ promotion and — . . . . . 321, 322
Cases received, &c., by — how to be treated in periodical statements 124, 125
Of charge to be reported to the High Court . . . . . 321

TRANSLATION—

Certified — to accompany certain processes . . . . . 250, 251

TRAVELLING—

Expenses of a Special Commissioner to be paid in cash . . . . . 4

PAGE.

TRIAL—
Nuthee. What to consist of . . . . . 302—308
„ When — may be destroyed . . . . . 308—313
When a — may proceed on a Sunday or a holiday . . . . . 296

U.

UNCLAIMED—
Property of intestates . . . . . 120

UNCOVENANTED—
Judicial officers. *See* "SUBORDINATE" (Judicial Service).

UNDER-TENURE. *See* "TENURE."

V.

VACATION—
Leave. *See* "LEAVE."

VAKEELS—
Applications by — for renewed certificates how to be made . . 281, 282
In connection with objections to the reports of Ameens . . . . 265
Powers of — to receive money realised in execution . . . . 283
Restriction as to the practice of — of other High Courts . . . 280
*See also* "PLEADERS."

VALUES—
Table showing the — of suits in the year . . . . . 198

VERIFICATION—
Of applications for certificates under Act XXVII of 1860 . . . 212
„ plaints, written statements, and applications . . . . . 1

VERNACULAR—
All plaints, &c., to be in the — of the district . . . . . 272
Papers not to be forwarded to the High Court . . . . . 296, 297

W.

WARDS—
Applications under Section 10, Act IX of 1879, how to be dealt with 279, 280

WARRANT—
For the arrest of Railway servants . . . . . 264
„ „ realisation of fines . . . . . 109, 116
Form of — for imprisonment in execution . . . . . 29, 30

WILLS—
Rules for the custody, preservation, and inspection of — . . 214—216

WITHDRAWAL—
Of attachment of estates to be notified to the Collector . . . . 262
Provision against the fraudulent — of deposits, Act XXVII of 1860 . 275

PAGE

WITNESSES—

Commissions for the examination of —. *See* "COMMISSIONS."

Evidence of — how to be recorded . . . . . 272

Examination of — . . . . . 253

Fee for the examination of — by commission . . . . . 15

Forms of oaths, &c, for — and others . . . . . 241

In proceedings under Section 287, C. C. P. . . . . 8, 9

Not to be sent for examination before another Judge (Act XXVII of 1860) 276

Register of attendance of — . . . . . 202, 203

Order to — to attend on a certain day in adjournments . . . 2, 3

Summons on — under Section 85, C. C. P. . . . . 1, 251

To prove service of process . . . . . 247

Y

YEARLY—

Statements *See* "STATEMENTS."

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